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Report of the Secretary-General on the Sudan pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of resolution 1564 (2004) and paragraph 17 of resolution 1574 (2004)

I. Introduction

1. The present report is submitted pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of resolution 1564 (2004) and paragraph 17 of resolution 1574 (2004).

II. Insecurity in Darfur

2. Although there have been fewer clashes in Darfur between the Government and armed movements in February 2005 than in the previous two months, and some disengagement has occurred, the security situation remains fragile. Reports indicate that lawlessness and attacks by militia continue to blight the lives of thousands of civilians. It is hard to tell where economically motivated attacks end and politically or tribally motivated attacks by militia begin, but one thing is clear: the Government has not stopped these groups from attacking civilians.

3. The Sudanese Liberation Movement/Army (SLM/A) and Government forces clashed twice in February in locations north-east of El Fasher, in North Darfur. The first contact took place in Sayiah on 8 February and the second in Koma on 11 February. This trend of fewer instances of direct fighting or clashes between Government and SLM/A forces follows the pattern set in January, when the SLM/A reduced the number of its attacks against Government police and military forces.

4. Following reports of bombing in January 2005, the African Union Mission in the Sudan (AMIS) confirmed that the Government has started removing its Antonov bombers from El Fasher and Nyala. This is to be welcomed as an important confidence-building measure. Although the Government has kept its military helicopters in Darfur, there were no reports of the helicopter gunships firing their weapons in February.

5. Although the Government did not resume the "road clearing" operations it had pursued in December, its forces maintained a presence in several areas that they occupied during those operations north of El Fasher and east and south of Nyala. Moreover, local commanders have told AMIS patrols more than once that they have

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not received any orders to redeploy to Nyala. At the same time, SLM/A forces have maintained their presence in nearby locations. The continued deployment of rival forces in relatively close proximity means that tensions and the potential for renewed, violent conflict remain high.

6. It is in this context that the Joint Commission, in its seventh high-level meeting in N'djamena on 16 and 17 February, decided to dispatch a team to Darfur to verify the positions occupied by the forces on the ground, with a view to working out a separation plan of forces. A clear delineation of the territory controlled by the various forces on the ground is a crucial element of any viable ceasefire agreement and a vital precursor to the disengagement of forces. I therefore welcome this decision and urge the Joint Commission to deploy this team as soon as possible. There is a risk that the deployment of such a team might spark a rash of new clashes on the ground as the parties attempt to gain as much advantage as possible before the delineation process is completed. However, without verification, the risk of continuous violent confrontation would be even higher. I call upon the Government and the armed movements to fully respect their commitments under the Humanitarian Ceasefire Agreement of April 2004 and the Abuja Protocols of November 2004.

7. Events in February have shown the potential for peaceful disengagement that can follow from an agreement on the delineation of positions of combatant forces. As pledged in the meeting of the Joint Implementation Mechanism on 17 December 2004, and reiterated in the January meeting of the Joint Commission, the Government pulled its forces out of the area around Labado, South Darfur when AMIS indicated its readiness to deploy a small force to the area. The African Mission has a platoon of 32 protection soldiers deployed to Labado and is planning to send a number of military observers to join them. Early indications suggest that this presence has had a calming effect in a very tense area that has suffered from some of the worst fighting in recent months, as evidenced by the return of several thousand internally displaced persons. I encourage the African Union to continue to take on as many of these missions as capacity allows so that the parties can disengage in other areas.

8. The recent commitment made by the Government at the Seventh Session of the Joint Commission to withdraw from three other villages in South Darfur may present AMIS with the opportunity to build on the progress achieved in Labado. If the Government follows through on its stated intention to pull its forces out of Marla, Ishma and Gereida in the near future, I will urge the African Union to step into these locations to continue facilitating the disengagement process.

9. Twice in February, United Nations/World Food Programme (WFP) marked helicopters came under heavy machine fire. In both cases, the helicopters were passing by Siyah en route to Malha Wells in North Darfur. In the first incident, on 8 February, the aircrew heard and saw bursts of fire in close proximity to their aircraft. In the second incident, on 15 February, the pilots heard three bursts of approximately six rounds each being fired at their helicopter. The SLM/A has announced that its forces had fired in the second incident because they had not received proper notification. In light of the fact that SLM/A controls the region in question and that it did not deny its involvement when asked directly by United Nations officials, one may assume its responsibility for the first incident as well. The African Union Mission in the Sudan came under fire no fewer than seven times

in February, a sharp rise over the one or two incidents in December and January. On 25 February, militia fired on an African Union Mission in the Sudan patrol in South Darfur. No Mission personnel were injured and none of its property was damaged during the attack. No excuse or explanation offered by the SLM/A leadership can possibly justify their forces firing on aircraft or vehicles that are clearly marked as belonging to the United Nations, the African Union or relief agencies and organizations. I condemn these acts. In the event of casualties, the commanders involved will have to bear the responsibility.

10. In cases of fighting between militia or Janjaweed and rebel groups, SLM/A found itself on the defensive in February. Janjaweed elements attacked one of their camps in the Korma area on 2 February and another in the western Jebel Mara region on 19 February. A third case of direct Janjaweed-rebel conflict reportedly took place on 21 February when militia members attacked the area of Tori in South Darfur. The African Union Mission in the Sudan reported that 13 villagers were killed and four were wounded. Fighting between SLM/A forces and tribal militias has also been reported in the western Jebel Maras.

11. While reports of direct conflict between the rebel movements and tribal militias were down in February, the militias continued to attack civilian targets. Janjaweed were reported to have harassed and attacked an internally displaced persons' camp, attacked village inhabitants and burned abandoned villages to discourage would be returnees.

12. The Janjaweed attack on Tori illustrates the persistent instability in South Darfur. Tribal militia activity is quite high in this state, with groups operating north of Nyala in Duma and Kidignir and to the south in the Gereida area. Some of this tribal militia activity, as also possible in the case of Tori, involved operations against suspected or known SLM/A-controlled areas.

13. It seems that much of the fighting by tribal militia is not necessarily connected to the political struggle between the Government and the rebel movements. Tribal militias are also involved in numerous incidents of livestock rustling as many large herds are moved to better pasture areas. Five cases of cattle rustling have been reported this month in South Darfur, and fighting was reported between rival Habania and Burgo tribesman in Nadeef and involving Daghou tribesman in Ishma on 10 February. Local police intervened, but not before two civilians were killed and some 1,500 head of cattle were stolen. The African Union Mission in the Sudan has been assisting local police in recovering the animals, and has had some success.

14. In sum, the security situation in the three Darfur states remains a great concern, with prospects for continued fighting between the rebel movements, Janjaweed and Government forces and direct attacks on civilians still in evidence. The Janjaweeds' boldness, be it in regard to theft, attacks on civilians or armed movements, is a direct consequence of inaction by the Government to rein in, let alone disarm or arrest, these groups.

III. Protection of civilians in Darfur: measures taken by the Government to comply with its obligations relating to the Janjaweed, ending impunity, protection, human rights and confidence-building

15. While the situation in north and west Darfur remained relatively calm during the month of February, there were a number of attacks on civilians in villages and on roads in south Darfur, particularly in areas east of Nyala. Insecurity in areas outside many internally displaced persons' camps throughout Darfur continued to impede the regular and free movement of displaced people. The arrival in Darfur of the first civilian police personnel sent by the African Union may help to improve the security situation. According to the African Union, the police will maintain a regular presence in several of the camps. AMIS police officers will also carry out capacity-building activities/training with local police in order to encourage appropriate policing response and standards.

16. The impending drought in Darfur has potentially serious protection implications that will need to be addressed as part of the humanitarian response. Increasing scarcity of resources, coupled with perceptions by some groups of partiality in the distribution of humanitarian assistance, could lead to increased tensions and renewed violence. Humanitarian agencies have commenced assessments of the priority needs of all civilians, encompassing the needs of camp residents, host communities, returnees and nomads alike.

17. Further incidents of rape and sexual violence continued to be reported in February. Human rights observers continue to report allegations of rape throughout Darfur. Areas outside many of the internally displaced persons' camps remain particularly insecure. Women and girls remain especially vulnerable to attack outside the camps when collecting firewood and grass. There is ongoing concern at the continued failure by the police to properly investigate complaints, even when the required reports are filed. I am very concerned by the disturbing reports of the arrests by the police of unmarried women in the Mukjar area (West Darfur) who have become pregnant as a result of rape. Moreover, the police have been known to arrest those who report the alleged crime. These reports need to be investigated by the competent authorities as a matter of priority.

18. United Nations agencies and non-governmental organizations (NGOs) continue to train women in the internally displaced persons' camps in the construction and use of fuel efficient stoves as an alternative to the commonly used ones that require the frequent collection of fuel outside the camps. I am pleased to note the cooperation between the African Union and the humanitarian community on this issue and welcome the proposal agreed upon at recent discussions in El Fasher that the African Union Mission in the Sudan will conduct patrols on the routes women use to collect firewood, at which times they are most vulnerable to violence.

19. The amended circular on guidelines on the treatment of rape victims, which allows victims of sexual violence to obtain medical treatment at private clinics as well as at public hospitals without first filing a complaint with the police, has yet to be disseminated by the authorities to the Darfur states. Discussions with the Ministry of Justice have resulted in the Government agreeing, in principle, to undertake joint dissemination efforts with United Nations agencies in Darfur.

20. Children continue to be victims of indiscriminate attacks on the civilian population. I am particularly disturbed about reports of targeted attacks against children, such as the rape of girls. Like women, girls face serious obstacles in obtaining medical treatment and police response after a rape has occurred. The general climate of impunity seriously erodes children's rights to protection from abuse.

21. There has been no meaningful investigation into the reported killings of over 100 civilians and the mass rape of at least 30 women and girls in the attack on the village of Hamada (South Darfur) on 13 and 14 January. The investigating officer did not visit the scene of the crime, as required by law, and interviewed only a handful of the victims who were patients in the Nyala hospital. I strongly urge the Government of Sudan to ensure that these grave human rights violations are investigated thoroughly and that the perpetrators are brought to justice as a matter of priority.

22. Since December 2004, the Advisory Council for Human Rights has not produced any reports on actions taken by the Government to meet its obligations under the joint communiqué issued by the Government of the Sudan and the United Nations on 3 July 2004.

23. Human rights observers in Nyala were granted access to visit the national security main detention centre by the local authorities and were able to observe the conditions of the detention cells and interview detainees. The United Nations has submitted a request for full access to national security and military intelligence detention centres, as well as to prisons and to those held in police custody, and is awaiting a response from the Government.

24. Two of the committees established by the Government following the recommendations of the National Committee of Inquiry, the Judicial Inquiry Committee and the Reparations Committee, have begun visiting the Darfur states. Although the Judicial Inquiry Committee had appealed for information from the population of Nyala, there was little response since the population did not know about the Committee and its mandate and doubted its ability to deliver justice for the victims. Fears have also been expressed by the internally displaced population that information on alleged human rights violations provided to the Committee could have negative consequences for them.

25. The subcommittee of the Joint Implementation Mechanism on human rights and protection, the establishment of which I reported to you in October, met for its first substantive session on 20 February, after two postponements and considerable Government reluctance to take the meeting forward. Substantive discussion on three critical issues, follow-up to the killings in Hamada, the involuntary/inappropriate returns of internally displaced persons by the Committee for the Eradication of the Abduction of Women and Children, and the dissemination of the Ministry of Justice guidelines on the treatment of rape victims, was postponed until the next meeting of the subcommittee owing to the fact that key Government Ministries were not present. There is growing concern that the Government's lack of commitment and its failure to accord an appropriate degree of importance to the subcommittee process is minimizing its effectiveness as a forum to deal with serious human rights and protection issues.

26. Sixteen human rights observers are currently based in Darfur and three in Khartoum, an increase of six since January. Twelve United Nations Volunteers are expected to join them by the end of the month and 32 additional international professional staff are at various stages of recruitment. There are currently 26 international staff deployed in Darfur by other United Nations agencies and six in Khartoum working on protection issues.

IV. Humanitarian situation in Darfur

27. Over 2.4 million people continue to be affected by the conflict in Darfur, with internally displaced persons constituting about 1.8 million of the affected population.

28. The World Food Programme and the International Organization for Migration (IOM) are planning a Darfur-wide registration exercise over the next few months, with the aim of establishing closer and more effective contacts with the internally displaced persons in the camps and their host communities. The registration will be linked to assessments in more remote locations in order to identify the specific needs of the population, which is increasingly affected by drought and the scarcity of economic and natural resources. Nomadic tribesmen complain about what they see as the lack of assistance to their communities, which has resulted in threats to humanitarian workers and food distributions.

29. General insecurity continues to present major challenges to the humanitarian response, especially in South Darfur, where a poor security environment displaced several thousands of internally displaced persons and residents from areas east and north-east of Gereida, scattering them throughout the area and further complicating access to these affected populations.

30. Relief workers continue to face dangerous challenges. On 21 February, seven staff members of an international NGO were detained overnight by the National Movement for Reform and Development (NMRD) rebels in Arosharo, near the Jebel Moon area, for failing to provide proper notification of their road movements. They were released early on the morning of 22 February after African Union and United Nations officials intervened. However, the NMRD forces did not release the three vehicles. The same NGO was also involved in two incidents early in the month involving local tribal militias disrupting aid distributions and stealing food. They were threatened by local tribesmen who complained that it is unfair that only internally displaced persons are receiving food aid while their families do not benefit from the relief programmes. As the cumulative effects of drought and displacement due to conflict and obstacles to the delivery of aid threaten many thousands of families in Darfur, competition for scarce foodstuffs is yet another cause of violent conflict.

31. Despite the presence of around 9,000 national and international humanitarian workers in the Darfurs, the capacity of the United Nations and of NGOs appear to be overstretched in some areas, particularly in North Darfur. Recent developments in the Darfur states linked to the effects of insecurity and increasing food shortages call for the involvement of more NGOs in the region as well as an increase in the capacity of those already working in the area. In the rest of the Darfur states, a limited number of larger international NGOs are currently implementing activities in areas out of the state capitals. Although scattered rural communities are

increasingly moving to larger centres for security and humanitarian reasons, the bleak forecast on the food security situation in Darfur call for an urgent expansion of assistance in more remote locations. For the same reasons, donors are urged to continue the provision of resources to humanitarian agencies.

32. The World Food Programme, in its annual Sudan food security needs assessment report, indicates that it expects the number of people and the level of food assistance required in the second half of 2005 to increase substantially if insecurity persists or the climatic conditions are unfavourable for agricultural production. The report notes that insecurity has disrupted traditional nomadic movements, market earnings and has substantially reduced the ability of farmers to plant and harvest in 2005. This has been further combined with the rapid increase in food prices over the past months, the limited purchasing power of vulnerable households and serious water scarcity. This concern was shared by a recent in-depth study on livelihoods of selected communities in Darfur. The study portrayed very bleak prospects for the situation in Darfur, noting that never in the history of Darfur had there been such a combination of factors causing the failure of livelihood strategies and loss of assets, including: systematic asset-stripping, production failures, market failures, failures to access natural resources, and failure to transmit back remittances. All this points to the need to combine increased food assistance with food security efforts and conflict resolution as soon as possible.

33. After months of negative trends, the health sector is recording positive developments in at least two areas: nutrition and polio vaccinations. According to a nutritional assessment conducted in Mornei, West Darfur, the general malnutrition rates appears to have substantially improved over the past few months with the malnutrition rate of 5 per cent. The previous assessment in Mornei, conducted in June 2004, found a rate of 25 per cent.

34. The second round of polio vaccinations commenced towards the end of the month, despite some complications in North Darfur where firing on or near United Nations helicopters forced the suspension of some activities North of Mellit. The previous round of polio vaccinations had been exceptionally successful, partly due to the compliance with the days of tranquillity by all the parties during the immunization as requested by my Special Representative. No new cases of polio have been reported since the vaccination campaign. The third and final round of vaccinations is planned for March.

35. These advances are shadowed by other health risks, such as a possible outbreak of meningitis following an ongoing outbreak in Eastern Chad and in some other parts of Sudan, such as in Blue Nile and Gadaref states. To date, a total of 44 clinically confirmed cases have been reported in the Darfur states since 1 January 2005. There is cause for concern, especially as overcrowded camps and the continuous movements at borders between the Sudan and Chad could increase the risk that the disease will spread. The World Health Organization (WHO) and its partners are presently monitoring the situation in and around Darfur.

V. Humanitarian access

36. As a result of the increasing harassment of NGOs through the end of 2004 and the beginning of 2005, greater pressure has been placed on humanitarian operations. South Darfur, in particular, has seen the highest number of reports of harassment,

but incidents were also reported in North and West Darfur during February. These incidents include arrests, detention and abductions of, in particular, national staff, especially in South Darfur. Furthermore, commercial trucks carrying humanitarian assistance, including those marked as agency or humanitarian affiliated, continue to be attacked by armed groups on major routes, severely limiting access to the affected populations and causing major delays in the critical timely delivery of essential items, particularly food.

37. Despite the increased sporadic violence between the nomadic and farming communities, some agencies are expanding their geographical coverage to include areas with major humanitarian gaps and others that have not been previously assessed. Some progress was made in rallying agencies to cover the gaps left by the withdrawal of Save the Children-UK from Darfur, with at least five agencies commencing operations in the water, sanitation, food and primary health sectors.

38. In addition, in the past month, relief agencies have regained access to areas that had previously been closed for security concerns. Following the visit of my Special Representative to North Darfur on 26 January, where the SLM/A had indicated that populations in the area were in need of humanitarian assistance, a team assessed the area and cleared it for United Nations movement, allowing agencies to assess and respond to the situation. The area had been previously closed to United Nations agencies following the landmine incident in October 2004, when two staff members of Save the Children-UK were killed and one was injured.

VI. Funding

39. In the 2005 work plan for the Sudan, launched on 30 November 2004, the United Nations and its partners requested $1.56 billion United States dollars to meet needs in the Sudan in 2005, with $691 million of that sum required for activities in Darfur. To date, a total of $345 million has been provided by donors in 2005, of which $256 million has been dedicated to support the United Nations work plan projects in Darfur. Although this response has been positive, it remains insufficient. In addition, with $240 million of the total sum allocated for food aid, donors have not concentrated on other equally important sectors, such as shelter and non-food items.

40. In order to prevent funding shortfalls, the United Nations system has produced a timeline for requirements within the work plan throughout 2005. According to the timeline projection, a total of $322 million was required for United Nations activities in Darfur by the end of January 2005 and $517 million by the end of March. Unfortunately, the funding target was not met for the month of January.

41. At meetings with donors in Brussels in February, my Deputy Special Representative for Humanitarian Affairs stressed the urgency of rapidly providing up-front funds. This is necessary given the need to respond to drought in Darfur, prepare for the rains (especially in the west) and ensure a healthy food aid pipeline. I therefore call on the donors to address the existing gaps in the work plan through the generous provision of up-front funds.

VII. Return and relocation

42. There have been few reports of forced relocations or returns in the Darfurs in February following the improved dialogue between the Government and the humanitarian community, through the Monitoring and Coordination Mechanism, and the recently signed Office of the United Nations High Commissioner for Refugees (UNHCR) agreement, which governs returns in West Darfur.

43. Nevertheless, in South Darfur, agencies encountered major obstacles in relocating some internally displaced persons in major gatherings in order to alleviate the burden on existing resources and to quell growing tensions in the camps. For example, the relocation of some internally displaced persons in Kalma due to the overcrowded conditions in the camp has yet to take place. Agencies are working with the Government to relocate internally displaced persons on a voluntary and appropriate basis.

44. Meanwhile, in North Darfur, after an initial setback in January, the relocation of some 25,000 internally displaced persons who arrived in the largest internally displaced person camp in the state, Abu Shouk, after an attack on Tawilla town in late November progressed relatively well. The initial site identified for the relocation was abandoned towards the end of January, when agencies were unable, despite numerous attempts, to find water on the site. Shortly afterwards, another site was identified and, with effective consultations between leaders of the internally displaced persons, Government authorities and humanitarian agencies, was deemed appropriate for the relocation. The site, Bisharia, located approximately 20 kilometres from El Fasher town, has water resources. Agencies are in the process of finalizing the demarcation of the site and the establishment of the various facilities, including water and sanitation sources and health facilities, in order to facilitate the relocation. While they await the preparation of the new site, the recent arrivals continue to receive humanitarian assistance at their current location at Abu Shouk camp.

45. In early February, 764 individuals were returned by the Committee for the Eradication of the Abduction of Women and Children from South Darfur to Northern Bahr el Ghazal. Agencies on the ground report that up to 15 per cent of these were involuntary returns. Women claimed to have been forcibly moved south, having been separated from their families. Similar allegations were made and verified during previous returns organized by the Committee in April and May 2004. This issue has been repeatedly brought to the attention of Government authorities and was recently placed on the agenda of the Subcommittee of the Joint Implementation Mechanism.

VIII. Darfur peace process

46. The political process aimed at bringing about a peaceful solution to the ongoing conflict in Darfur enjoyed little progress over the past month. The most significant event during the reporting period was the seventh high-level meeting of the Joint Commission in N'djamena on 16 and 17 February. The two days of meetings were attended by, inter alia, the Presidents of Chad, Gabon, Congo-Brazzaville and the Sudan, the Chairman of the Commission of the African Union, as well as ministerial-level representation from the Libyan Arab Jamahiriya, Nigeria

and Egypt. My Special Representative, Jan Pronk, attended the conference as head of the United Nations delegation.

47. The participants were presented with a report by the Chairman of the Ceasefire Commission, Major-General Festus Okonkwo, which detailed 10 ceasefire violations between early January and the date of the seventh meeting. The report faulted both the Government and rebels for the violations and criticized the lack of commitment to the Humanitarian Ceasefire Agreement, as demonstrated by the persistent violations. The Ceasefire Commission offered a list of recommendations to the joint commission on how to improve the security situation in Darfur, three of which deserve particular mention: first, that the status of the units making up the AMIS protection force be upgraded from company to battalion strength, and equipped accordingly; second, that the SLM/A and the Justice and Equality Movement (JEM) should unconditionally release to the African Union-Ceasefire Commission the locations occupied by their combatants, as agreed to at the last meeting of the joint commission; and finally, that the Government of the Sudan should review and resubmit its plan for the disarmament of the armed militia operating in Darfur because its current plans are ineffective.

48. The conclusions of the meeting of the joint commission were centred around five key decisions. Foremost among these, in terms of immediate steps to be taken, are the aforementioned decisions to dispatch a survey team to Darfur to delineate the areas of control held on the ground by the various forces and a call upon the Peace and Security Council of the African Union to reinforce its Ceasefire Commission as a way to encourage finding a solution to the crisis within an African framework. The joint commission also called for a rapid and vigorous resumption of the next round of peace talks.

49. I reiterate my call for the speedy deployment of a properly equipped and supported survey team to begin the task of identifying the areas controlled by combatants on the ground. I also support the Commission's decision to request the African Union Peace and Security Council to reinforce the Ceasefire Commission, which is on the ground in Darfur carrying out a very important task in a daunting environment with limited resources. I urge the international community to assist both endeavours generously.

50. As for the political process, the onus for success continues of course on the parties themselves. I therefore echo the call of the joint commission for a quick resumption of the Abuja talks, and I call upon the parties to return to the negotiating table prepared to discuss substantive matters with a view to signing a declaration of principles or a framework agreement as the decisive step towards a comprehensive peace agreement. One critical decision the parties can make in this regard is to approach the next round of Abuja talks with a disciplined focus on the political issues that underpin this conflict while leaving the important, though potentially distracting, security matters to the joint commission process. All other diplomatic efforts that are under way should be tailored to support this dual track approach.

51. Once restarted in earnest, the Abuja talks will be more likely to bear fruit if the parties demonstrate good faith. On the Government side, I would urge it to abstain from provocative acts on the ground and from retaliation or any other form of violence that would negatively affect the negotiating climate in Abuja. My advice to the armed movements would be to send delegations prepared to discuss matters substantively and offer the concrete and constructive proposals that will be needed

to move the negotiations forward. No matter how modest or dramatic the outcome of the next round of talks, the international community must rally around the parties to support any steps towards a peaceful solution to the crisis in Darfur.

IX. African Union

52. As has been the case for some months now, AMIS remains the international community's most visible and effective tool for monitoring the compliance of the parties to the Humanitarian Ceasefire Agreement and the Abuja Protocols.

53. Currently, AMIS has deployed a protection force of 1,405 troops who operate in support of 352 international military observers. With the Sudanese observers included, the total number of military observers operating in the three Darfur states reaches 424. Since my last report, the AMIS civilian police component began its deployment. The total size of the contingent is currently reported to be 93 personnel, all located in El Fasher. The total complement of the force, including civilian support staff, now stands at 1,942.

54. Additional troops, monitors and civilian police have been identified and are preparing for deployment, but their numbers will not get AMIS to its authorized strength level of over 3,300, all ranks, during the month of March. The reasons for this are twofold. First, not enough troop-contributing countries have come forward with the personnel required, so a gap remains between the troop ceiling and those available. Second, logistical, support and infrastructure limitations (primarily sewage handling capacity) have hampered the deployment of those personnel that are ready for service. Further deployments to El Fasher should thus not be expected until personnel have been deployed to outlying locations.

55. AMIS is receiving international support of various kinds from a number of countries, including funding for logistical support, helicopter leases, vehicles, training, transport, advice and planning. Many members of the international community are making crucial contributions that enable AMIS to carry out its mandate in Darfur. I encourage these Governments to continue to support the efforts of the African Union Commission to deploy and equip AMIS and call on others to follow their lead. Specifically, I urge Governments to focus their efforts on addressing the existing gaps that have been identified by the African Union Commission that are having the most significant impact on the further deployment and operational effectiveness of AMIS.

56. Within the constraints of its own resource limitations, the United Nations Advance Mission in the Sudan (UNAMIS) is cooperating and supporting AMIS in a number of ways. With regard to cooperation and coordination, the two missions are now in regular communication through three established liaison offices (Addis Ababa, El Fasher and Khartoum). These multiple points of contact facilitate communication at all levels, from the operational to the political. Both missions are exploring ways to deepen this relationship.

57. The United Nations Mission endeavours to provide support to AMIS in any manner possible. Currently, at the request of the Special Envoy of the African Union to the Sudan, UNAMIS has agreed to connect the El Fasher field headquarters of AMIS to the United Nations telecommunications network. This will markedly improve the African Union operation by providing the capacity for reliable and

secure communications between the AMIS presence in the field and its offices in Khartoum and Addis Ababa.

X. Preparation for the future support to the implementation of the Nairobi agreements

58. Prospects for peace in Darfur will only be strengthened if the Comprehensive Peace Agreement signed on 9 January 2005 between the Government of the Sudan and the Sudanese People's Liberation Movement/Army is implemented successfully. At the meeting of the Security Council on the Sudan on 8 February, First Vice-President Ali Osman Taha and Chairman John Garang both expressed their commitment to bringing an end to the North-South conflict by following through on their obligations undertaken in the Comprehensive Peace Agreement. To assist the parties to implement the agreement, the United Nations continues to plan and prepare for the deployment of a peace support operation.

59. Subsequent to the last Security Council meeting on the Sudan in early February, my Special Representative has pursued the planning process with a particular focus on issues related to the deployment of the military component of the anticipated mission. Predeployment issues were addressed at a meeting between Mr. Pronk and Chairman Garang on 22 February, where the latter was informed that the troop-contributing countries reconnaissance missions had begun in Government-controlled areas and would begin, before the end of the month, in areas controlled by SPLM in order to meet the time schedule for implementation agreed to by the parties.

60. In other aspects, the planning for the military component is proceeding apace. The military and mission support staff of UNAMIS are in constant and close touch with United Nations Headquarters to finalize plans and coordinate the operational and logistics elements, including the force structure and the staffing of the various headquarters for deployment of the United Nations Mission in the Sudan (UNIMSUD). In addition, the memoranda of understanding between UNAMIS and the Verification and Monitoring Team and the Joint Military Commission currently operating in the Sudan have been finalized to enable these monitoring mechanisms to come under the direct operational control of the new Mission after its mandate commences.

XI. Observations

61. There were no significant advances in the search for a political solution to the crisis in Darfur over the past month. Both sides failed to capitalize on the momentum that was generated in January by the signing of the Comprehensive Peace Agreement between the Government and SPLM. Neither side has suggested that it is ready for the serious, good-faith talks that will be required to revive a process that has clearly stalled. There are numerous statements from the Government that it is prepared to sit down with the rebel movements for talks. However, as I noted above, the Government has not stopped militia from attacking civilians. Such inaction and prevailing impunity continue to undermine the confidence that statements by the Government are intended to inspire on the other side of the negotiating table.

62. For their part, the rebel movements do not inspire much confidence that they are prepared to seize the political opportunities that have appeared since the signing of the Comprehensive Peace Agreement over six weeks ago. On the ground, their forces have refused to reveal their positions to the African Union Ceasefire Commission, have continued to harass relief workers and have fired on African Union and WFP helicopters. At the political level, the rebel movements appear to be increasingly divided, resulting in a diminished capacity to engage in serious political negotiations. Concerted political pressure must be brought to bear on all sides to create the conditions for the serious talks at the negotiating table, conditions that have so far been largely absent.

63. On 28 February, at United Nations Headquarters, I met with Alpha Oumar Konaré, Chairperson of the African Union Commission, to discuss coordination of activities in a number of specific countries, including the Sudan. During discussions with the Chairperson and his delegation, I acknowledged the important work being carried out by AMIS, while also stressing that all steps must be taken as soon as possible to strengthen the peacekeeping presence in Darfur so that stability may be restored to the region. In this regard, it was agreed that an African Union-led assessment of current peacekeeping requirements in Darfur would be undertaken as a matter of urgency. The United Nations and other key partners would actively participate in the assessment. We are awaiting dates of the mission from the African Union. In addition, if the Security Council, in its forthcoming resolution on the Sudan, requests that I report on what can be done to strengthen the peacekeeping presence in Darfur, I will send a United Nations team to the region to make a full-fledged assessment of options.

64. In the meantime, during this period of relative calm, the international community must not miss the opportunity to strengthen the position of the African Union force in Darfur. A fully staffed and effective AMIS will increase the chances that serious clashes can be prevented or minimized. The proposed African Union mission to determine the positions of the Government and rebel forces on the ground will open the way for disengagement, which could make it possible to extend this period of stability through to the negotiation of a comprehensive agreement. Such stability would not only lead to fewer people fleeing their homes and permit relief agencies to extend the depth and reach of their operations, it could also allow internally displaced persons and refugees to return home and significantly improve the protection environment, particularly for women and children, who continue to face deplorable sexual abuse and exploitation. Physical separation between the Government and rebel movements would also diminish opportunities for militia attacks on civilians. This will require a generous response from donor Governments both to AMIS and the relief agencies. I appeal for such support as a matter of urgency.

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Report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004)

I. Introduction

1. In paragraph 30 of its resolution 1546 (2004) of 8 June 2004, the Security Council requested the Secretary-General to report to the Council within three months from the date of the resolution on the operations of the United Nations Assistance Mission for Iraq (UNAMI) and, on a quarterly basis thereafter, on the progress made towards national elections and the fulfilment of all of the Mission's responsibilities. The present report is the third submitted pursuant to that resolution.

2. The report provides an update on United Nations activities in Iraq since the last report (S/2004/959 of 8 December 2004). It provides a summary of key developments in Iraq, particularly with regard to the political process and regional developments pertaining to Iraq. It also describes United Nations electoral assistance activities for the elections that took place on 30 January 2005, as well as the main activities of UNAMI during the period under review, including operational aspects. In addition, it provides an update on security issues, including an assessment of the security situation and an update on security arrangements for the United Nations presence in Iraq.

II. Summary of key developments in Iraq

A. Political process

3. During the period under review, the main focus of the transition process was the holding of direct, democratic elections within the time frame endorsed by the Security Council in resolution 1546 (2004). Until election day, 30 January 2005, the main issues of debate both inside and outside Iraq were whether conditions would permit the holding of credible elections as scheduled and whether more time was needed to persuade groups sceptical about or opposed to the transition process to join in. Many of the neighbouring States expressed concern over the political and security implications that could arise if the elections were held but were not judged to be successful by the Iraqi people and the international community. Through public pronouncements and direct contacts, the Interim Iraqi Government was engaged in outreach efforts to encourage participation in the elections. By and large, these efforts were not sufficient. The Independent Electoral Commission of Iraq,

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vested with exclusive jurisdiction for the oversight, organization and conduct of the transitional elections, determined that there were no technical reasons for not proceeding as scheduled.

4. In his meetings with Iraqi interlocutors, my Special Representative for Iraq, Ashraf Qazi, continued to urge the creation of conditions in which all segments of the Iraqi political spectrum, including Arab Sunnis, were able to participate. In support of my Special Representative's efforts, I conveyed the message that the elections were a crucial first step towards a new constitution and a free and stable Iraq. I also made it clear that there could never be any justification for murder and intimidation of voters, candidates and election workers. All Iraqis who chose to vote had a right to do so in freedom and safety.

5. On election day, more than 8.5 million Iraqis out of a voter population of more than 14 million turned out to exercise their democratic right to vote, despite concerns about the security environment, attempts at disruption and ongoing violence. While the turnout in most areas was high, it was significantly low in others and among some groups, especially Arab Sunnis. The conduct of the elections met recognized standards in terms of organization, regulations and procedures. The number of serious irregularities and complaints conveyed to the Independent Electoral Commission was relatively small. All these complaints are being investigated and addressed by the Commission.

6. The elections mark a significant development in Iraq's transition to democratic government, as outlined in Security Council resolution 1546 (2004). They provide a starting point for addressing legitimate interests and grievances peacefully through dialogue and compromise. The overall voter turnout, the enthusiasm with which voters participated and the failure of efforts to disrupt the proceedings through violence and intimidation have brought positive responses from both inside and outside Iraq, including from the Security Council.

7. Since the elections, a number of Iraqi political leaders from successful electoral lists have signalled clearly that they are ready to invite prominent and representative leaders from Arab Sunni communities to participate in the Transitional Government and in the constitution-making process, so as to ensure balanced representation in both. Similarly, a number of Arab Sunni and Arab nationalist political entities that did not participate in the elections, or had urged a boycott or postponement, have declared that their points of view must be included in the next steps of the transition and that they have the right to participate fully in the drafting of a permanent constitution.

8. Efforts are under way to prepare for the convening of the Transitional National Assembly, which will consist of 275 members. It is generally assumed that the Assembly will not be convened before the parties have reached agreement on the composition of the Government. There is a similar process in respect of key Government posts, including the presidency (i.e., the President and the two Vice-Presidents), as well the Prime Minister and members of the Council of Ministers.

9. Progress in the political process remains heavily influenced by the security situation, which continues to pose a serious challenge. The large number of casualties among Iraqi police and security forces, and inadequate judicial protection, remain serious impediments to law enforcement. Restrictions of freedoms have remained in place because of the extension until the end of February 2005 of the

Order for Safeguarding National Security in all parts of Iraq except the three northern governorates. Curfews, restrictions on movement and other measures have been imposed and eased at regular intervals in most parts of the country, on the basis of that Order. On 3 March 2005, the Interim Iraqi Government announced that it would extend the Order for a further 30 days, from 28 February. The conflict in Iraq continues to take a heavy toll, including among civilians. Figures concerning the number of casualties remain uncertain.

10. In Fallujah, extensive damage to the town's civilian infrastructure, as well as restrictions imposed by the Order for Safeguarding National Security, hampered the return of its displaced population. Teams from the Ministry of Industry and Minerals, the focal-point Ministry for Fallujah, have now completed the housing assessments and have presented their report to the Minister. The total damage for all residences in Fallujah was assessed at $493 million. The Ministry of Industry and Minerals is to disburse $103 million in funds, allotted on the basis of the percentage of actual damage to each home, and the new Government will determine further compensation.

11. At the end of February 2005, the multinational force and Iraqi security forces mounted a counter-insurgency campaign in Anbar province, including Ramadi. The multinational force stated that it was using the "full spectrum of military tactics". My Special Representative conveyed to the Interim Government and the multinational force concern over the potential political and humanitarian consequences of an escalation of the situation.

12. The security situation remains fragile, as demonstrated by the resumption of daily attacks against Iraqis and foreigners alike immediately after the elections, including a terrorist attack in Hillah on 28 February, in which over 120 civilians, police and National Guard volunteers were killed and over 140 injured. Accordingly, I hope that Iraqis will seize the momentum gained from the elections to enable the political process to have a positive impact on the security situation.

B. Regional developments pertaining to Iraq

13. The seventh meeting of the neighbouring countries of Iraq was held in Amman on 5 and 6 January 2005, attended by the Foreign Ministers of Bahrain, Jordan, Saudi Arabia, Iraq, Turkey and the Syrian Arab Republic, the Deputy Foreign Minister of the Islamic Republic of Iran and my Special Representative. The meeting reviewed the challenge of holding an election in the prevailing security environment. Participants agreed on the importance of the elections for Iraq's political transition, including the drafting of a constitution, the subsequent referendum and the election of a constitutional Government. Iraq's identity as an Arab State was affirmed, and all delegates reaffirmed their country's commitment to non-interference in Iraq's internal affairs. The meeting concluded with the participants urging Iraqis to participate in the elections and expressing support for United Nations efforts in fulfilling its mandate under resolution 1546 (2004).

14. In the concluding communiqué, participants confirmed their readiness to cooperate with the Interim Government of Iraq, to broaden political participation in the spirit of national dialogue and consensus-building and to promote Iraq's transition to a united, democratic and pluralistic State, with a federal structure, if so decided by the Iraqi people, in which political and human rights are observed and

bilateral and regional treaties and agreements are respected by all countries concerned, and living in peace with its neighbours.

15. On 11 January 2005, the follow-up meeting to the international ministerial meeting on Iraq held in Sharm el-Sheikh on 23 November 2004 was held in Cairo. The meeting reviewed the implementation of paragraph 14 of the Sharm el-Sheikh communiqué and was attended by Iraq, Jordan, Kuwait, Saudi Arabia, the Syrian Arab Republic, Turkey, the United States of America, Canada, China, Japan, the Russian Federation, France, Germany, Italy, the Netherlands Presidency of the European Union and the United Kingdom of Great Britain and Northern Ireland. The United Nations and the League of Arab States also attended the meeting. In addition to reaffirming the call on all Iraqis made at the Sharm el-Sheikh meeting to participate in the elections, several delegates emphasized the need for the political process to create conditions conducive to greater stability and reconstruction efforts.

16. The next meetings between Iraq, its neighbours and Egypt — one at the level of Foreign Ministers and another at the level of Interior Ministers in follow-up to the meeting in Tehran held on 30 November 2004 — are planned to take place in Turkey in the near future.

III. Electoral assistance activities

17. The Transitional Administrative Law required 20 elections to be held simultaneously, for the Transitional National Assembly, 18 governorate councils and the Kurdistan Assembly, by no later than 31 January 2005. The period of December 2004 and January 2005 was therefore critical for making final preparations. The elections were organized and conducted by Iraqis under the oversight of the Independent Electoral Commission of Iraq. In implementing its mandate, the Commission oversaw and directed the work of 1,000 Iraqi core staff and over 20,000 Iraqi temporary electoral workers. The Commission was able to complete all the necessary technical preparations for credible and genuine elections against the background of a fragile political environment and continuing concerns about the security situation.

18. In fulfilling its task, the Commission was supported by an international electoral assistance team led by the United Nations, which, in addition to 43 United Nations experts — 22 in Baghdad, 16 in Amman and 5 at United Nations Headquarters — included three experts from the European Union, two from the United Kingdom of Great Britain and Northern Ireland, one from Chile, and nine from the International Foundation for Election Systems. The international team provided technical, logistical, financial and administrative assistance to the Independent Electoral Commission throughout the electoral process.

19. Critical preparations in December and January were focused on ensuring that all the necessary technical arrangements were in place to hold the elections as scheduled. The preparations built upon the foundations that had been established in the design of the Independent Electoral Commission, the electoral law and the complementary political party and entity law. The short time frame for the organization of the elections led to the overlapping of many tasks in the last two months before election day. While political entities, candidates, party agents, media agents and national and international observers were being registered, the voters'

roll was being completed, staff were recruited and trained for polling and public information campaigns were launched and conducted.

20. The logistical challenges for preparing the elections were daunting. Forty-nine and a half million ballots were required for the elections. Moreover, the production of the ballots and other materials required the completion of preceding steps, such as the registration of parties and candidates, which was extended. Nevertheless, between 17 and 29 January an international logistics team ensured the delivery of 2.8 million kilograms of electoral material into Iraq. These materials were sourced from four continents, delivered to 24 warehouses throughout Iraq and then distributed to 5,243 polling centres.

21. Throughout its work, the Independent Electoral Commission's guiding principles were transparency and inclusiveness. The Commission accredited more than 2,000 media personnel throughout the country, half of whom were Iraqi, the remainder being international and Arabic media representatives. The Commission also established a media centre in the Iraqi National Convention Centre located within the international zone. The media centre operated from 25 January to 6 February. In addition, the Commission accredited 33,141 national observers, 622 international observers and 61,725 agents of political parties and entities to observe the electoral process. The United Nations actively encouraged the development of election observer groups and established a dedicated project for this purpose.

22. The uncertain political environment and security conditions necessitated a range of contingencies and special measures. Within the limits of its mandate, the Independent Electoral Commission implemented several special measures to enhance inclusiveness and participation. Voters from several locations where military operations were conducted, or where security conditions were deemed problematic, were able to cast their votes in the national election at any polling station in the country. Also, voters from the Ninewa and Anbar governorates were able to register and vote at any polling station in the country. A final special measure was implemented in the course of polling day, which permitted selected polling centres to remain open longer, if the Commission determined that access had been obstructed or the period of operation affected.

23. The Independent Electoral Commission worked extensively with national and international security forces. This cooperation allowed for the establishment of a close network and the coordination of resources, which provided a viable security framework for the elections. The security plan put in place, including the closure of borders and a ban on vehicle movements, created a security environment that permitted electoral staff to carry out their work before, during and following election day. Of the planned 5,243 polling centres, 5,199 were able to open and operate on polling day. Available statistical data do not provide conclusive evidence on the impact of security concerns on voter turnout, especially in the light of some political calls for boycotts.

24. As planned, counting took place immediately after the close of the polls, with the exception of a few centres where security required counting to be undertaken at the governorate level. In the weeks prior to polling day, the Independent Electoral Commission set up a tally centre, assisted by a team of international advisers. Its setting up included the physical arrangement of the centre, hiring of staff, arrangements made with the multinational force for living quarters, work-flow strategies, security management, storage and retrieval of forms, database

development and quality-control measures. This process was prepared and conducted in a manner that was transparent and open to observers and the media.

25. The Independent Electoral Commission provisionally reported the turnout of voters to be 8,550,571, of whom 263,685 voted from abroad. Of all these votes cast, only 94,305 (1.1 per cent of the total) were determined to be invalid. There was a continuous flow of agents and observers, who monitored the tally centre. Observers and agents were also present during the recount process, which included opening and counting a mixed sample of ballot boxes from various governorates at the national headquarters.

26. The Board of Commissioners of the Independent Electoral Commission has the authority to make determinations on complaints and disputes arising from the elections. An open process of complaints and resolutions was formulated and implemented by the Commission, supported by both Iraqi lawyers and international specialists. The official certification of the vote by the Commission took place on 17 February 2005, after all major complaints had been dealt with; the complaints outstanding that would be decided upon after the certification were assessed to be of such a nature that they could not affect the result. The elections met recognized international standards in terms of organization, regulations and procedures. This demonstrates the professionalism and effectiveness with which the Commission and the thousands of Iraqi election workers, trainers and monitors carried out their work.

27. From 111 competing political entities and coalitions, the election of 275 representatives to the National Assembly from a total of 7,785 candidates is testimony to the vibrant political environment emerging in Iraq. Moreover, the electoral system resulted in over 31 per cent of seats being awarded to female candidates — surpassing the goal established in the Transitional Administrative Law. The following period of constitutional, legislative and governmental activity will have a strong formative influence on the evolution of political groupings in Iraq and their approach towards the future elections of the transition.

28. The next phase of elections in Iraq, following the transition outlined in the Transitional Administrative Law, is no less daunting than the timeline and challenges of the 30 January election. The Electoral Assistance Division of the United Nations will soon convene an inclusive working group to review the past process. This group will include Iraqi and international institutions that were involved in the elections. The substance of the review will be to identify, structure and prioritize the work ahead with the benefit of the lessons learned in the recent elections.

IV. Update on activities of the United Nations Assistance Mission for Iraq

A. Political activities of the Special Representative of the Secretary-General inside Iraq and in the region

29. During the reporting period, my Special Representative and his political team concentrated their efforts on promoting dialogue and understanding between those who are participating in the political process and those who have remained outside. In all his discussions, my Special Representative stressed that the best way in which

different parties and constituencies could address their legitimate interests and concerns was through peaceful dialogue and compromise, with a view to reaching a consensus that reflects the legitimate interests and concerns of all. In response to many appeals from both Iraqi political leaders and Member States for United Nations assistance in supporting the political and electoral process, my Special Representative and his team met with Iraqi religious, tribal and political figures not only in Iraq, but also in Dubai, Amman, Beirut, Damascus and London. These discussions provided insight into the perspectives of a variety of political groups in Iraq with regard to their views on and participation in the political process.

30. My Special Representative continued his meetings with a wide range of Iraqi political leaders, such as the President, the Vice-President, the Prime Minister, the Deputy Prime Minister, the Foreign Minister and the Ministers of Finance, Human Rights, and Displacement and Migration, as well as with representatives from across the political spectrum, including representatives of the Supreme Council for Islamic Revolution in Iraq, the Islamic Da'wa Party, the Iraqi Islamic Party, the Iraqi Democratic Party, the Association of Muslim Scholars, the Iraqi Turcoman Front, the Al-Khoei Foundation and the Centre for Arab Unity Studies. He was also briefed by leading Iraqi academics in Baghdad and London. In addition to reviewing progress in the electoral preparations and the formation of the Transitional Government, he encouraged all concerned to ensure that the new Government and Transitional National Assembly provided mechanisms to enable those who had not participated in the elections, for whatever reason, to be represented adequately in the constitution-making process.

31. In the context of the seventh meeting of neighbouring countries of Iraq, held in Amman on 5 and 6 January 2005, the follow-up meeting to the Sharm el-Sheikh international ministerial meeting, held on 11 January 2005, and visits to Beirut and Damascus, my Special Representative was able to review the prospects for the elections and their wider ramifications with senior officials from the region and the international community.

32. In Amman, he described the role of the United Nations in the political and electoral process and emphasized that outreach efforts needed to be reinforced to ensure comprehensive participation in the elections and the need to continue these efforts after the elections. He met with the Prime Minister of Jordan and held bilateral discussions with the Foreign Ministers of Jordan, Kuwait, Turkey and Egypt and the Deputy Foreign Minister of the Islamic Republic of Iran. In Cairo, my Special Representative briefed the meeting about UNAMI assistance for Iraq's electoral process and building the capabilities of the Independent Electoral Commission of Iraq. He met the Iraqi Foreign Minister and the Secretary-General of the League of Arab States.

33. In Beirut, my Special Representative met the Foreign Minister of Lebanon and the former Prime Minister, the late Rafic Hariri. At the invitation of the Government of the Syrian Arab Republic, he held discussions with both the Foreign Minister and the Deputy Foreign Minister, as well as with members of the diplomatic community in Damascus. In his discussions, my Special Representative stressed the need to encourage Iraqi political actors to engage directly with each other to enable them to discern the political aspirations and objectives they shared, which could provide a basis for compromise and reconciliation. In turn, all regional interlocutors acknowledged the leading role of the United Nations in support of Iraq's transition as set out in Security Council resolution 1546 (2004).

34. During and after the election campaign, many Iraqi commentators raised the issue of Kirkuk as a potential flashpoint. The United Nations discussed the complex issues involved both with concerned Iraqi constituencies and with Member States. All acknowledged the need to reach a settlement in view of the issue's potential to engender tension and confrontation inside Iraq and negatively affect Iraq's relations with its neighbours. In its discussions, the United Nations stressed the need for all parties to act with restraint in order to provide an opportunity for a lasting peaceful settlement to be found.

B. Preparatory activities for a potential constitutional support role

35. In its resolution 1546 (2004), the Security Council decided that in implementing their mandate to assist the people and the Government of Iraq, as requested by the Government of Iraq, my Special Representative and UNAMI would play a leading role in promoting national dialogue and building consensus on the drafting of a national constitution by the people of Iraq.

36. Based on this mandate, there is a general expectation both inside and outside Iraq that the United Nations should play an active role in supporting the constitution-making process. My Special Representative has begun consultations with a wide range of Iraqi representatives. In his discussions, he has stressed that, to be successful, Iraqis need to take full ownership. In support of Iraqi efforts, the United Nations would be ready, if asked, to assist in four main areas: (a) political facilitation to promote dialogue on the procedures and structure of the constitution-making process, with a view to maximizing inclusiveness and participation and to fostering consensus on critical issues; (b) public information support for an Iraqi media campaign to maximize transparency; (c) technical assistance to the Iraqi constitution-drafting body; and (d) coordination of international assistance.

37. Preparatory activities in these four areas have been initiated, so as to enable the United Nations to deliver timely and effective assistance, pending an official request from the Government of Iraq.

C. Reconstruction, capacity-building and humanitarian assistance activities

38. United Nations agencies and programmes continued to support the reconstruction process in Iraq from both inside and outside the country. Whenever possible, the United Nations is implementing projects in Iraq through national United Nations staff and implementing partners, including contractors, non-governmental organizations and other partners tasked with project implementation. On 13 January 2005, I appointed Staffan de Mistura Deputy Special Representative for Iraq. On his first visit to Baghdad, he met with a variety of Iraqi partners and familiarized himself with the situation on the ground. In January 2005, a Deputy Reconstruction and Humanitarian Coordinator, who reports to the Deputy Special Representative, was deployed to Baghdad to coordinate communications with the Iraqi authorities on reconstruction and development issues and to enhance donor coordination.

39. The United Nations country team has engaged in a broad range of capacity-building activities, programmes and projects in collaboration with line ministries. From December 2004 to March 2005 the country team has carried out almost 100 capacity-building activities through technical training, workshops, seminars, conferences and high-level meetings, actively involving participants from all ministries and various civil society organizations.

40. The International Employment Conference for Iraq, organized by the International Labour Organization and cluster 10, which took place in December 2004 in Amman, was part of these activities. The Conference was well attended by the Iraqi authorities, trade unions, business leaders and donors. By adopting a plan of action and enlisting the active participation and endorsement of a large number of Iraqi counterparts, United Nations agencies and donors alike, the conference aimed to outline a set of policy measures needed to tackle the serious and urgent problem of high unemployment in Iraq.

41. Other capacity-building activities were carried out during the reporting period. Cluster 1 (education and culture) conducted workshops on school data entry, data collection on Iraqi sites and site security management. Cluster 2 (health) workshops covered control of mosquito vectors and communicable diseases, parasitology and immunology, food safety and psychiatric care. Cluster 3 (water and sanitation) providing training on drinking-water treatment, detection of trace elements, heavy metals and organic pollutants and tariff modelling for infrastructure investment. Cluster 4 (infrastructure and housing) provided training in techniques for upgrading slums and squatter settlements as well as in community action for self-help housing. Cluster 5 (agriculture, water resources and environment) held workshops for veterinary personnel management and on environmental law, site assessment and water resource management. Cluster 6 (food security) provided training to improve food security, project management and advocacy in health education. Cluster 7 (mine action) provided training in regard to landmine clearance, national de-mining teams, mine-risk education and health-community workers. Cluster 8 (internally displaced persons and refugees) provided training on the reintegration of returnees. Cluster 9 (governance and civil society) provided training in negotiation, management and financial accountability, human rights, detention monitoring and media skills.

42. Despite the continuing fragile security environment, the United Nations was able to continue reconstruction efforts throughout Iraq through implementing partners, which included the following activities: rehabilitation of schools, strengthening vocational education, rehabilitation of water treatment plants, rehabilitation of power plants and upgrading transmission systems, housing projects for selected vulnerable groups in urban centres, supporting the Ministry of Trade's public distribution system and procurement and delivery of food items, provision of technical assistance to the National Mine Action Authority, protection and material assistance for internally displaced persons and returning refugees, support for civil society through professional organizations and women's groups and support for the electoral process, including voter education programmes for women.

43. The UNAMI Humanitarian Affairs Unit continued to monitor the humanitarian situation and early warning alerts in crisis areas across Iraq, with particular attention to internal displacements as a result of military conflict and ethno-religious tensions. Through the Emergency Response Working Group in Amman, comprising

United Nations agencies, non-governmental organizations, Red Cross and Red Crescent organizations and relevant Iraqi ministries, UNAMI has been supporting the coordination of assessments and responses to emergencies. Of particular concern has been the situation in and around Fallujah, which generated approximately 50,000 to 60,000 internally displaced families. The majority remain in need of material assistance, given that their return to habitable areas has been problematic. UNAMI coordinated responses, such as the provision of tents, plastic sheeting and other non-food items by the Office of the United Nations High Commissioner for Refugees (UNHCR) for returnees; joint distribution of food and non-food items to 38,000 internally displaced families by the International Organization for Migration and UNHCR; the trucking of potable water by the United Nations Children's Fund (UNICEF) to surrounding areas where internally displaced persons are located; the provision of emergency medical supplies by the World Health Organization; and an assessment of return intentions and protection needs conducted by UNHCR through partners. In direct response, grants jointly administered by UNAMI and the Office for the Coordination of Humanitarian Affairs were also disbursed to three international NGOs to provide emergency supplies of food items, hygiene kits and non-food items to about 2,500 internally displaced families from Fallujah located in the surrounding areas and Baghdad.

44. Bulletins, activity matrices and briefing notes (available on the www.uniraq.org web site) have been circulated to members of the Emergency Response Working Group to facilitate information exchange and raise advocacy issues with the Interim Government regarding humanitarian access and protection. Civil-military coordination links with the multinational force have also been improved in Baghdad to promote dialogue on the issue of safe passage for relief convoys through humanitarian corridors and the importance of distinguishing between military and civilian personnel distributing aid. Furthermore, the inter-agency contingency plan was reviewed in late January 2005 to ensure future emergency preparedness and response strategies reflecting the evolving humanitarian context.

D. International Reconstruction Fund Facility for Iraq

45. Of the $664 million committed to the United Nations Development Group (UNDG) part of the International Reconstruction Fund Facility for Iraq, nearly $628 million has actually been deposited. Just under $495 million has been transferred to participating United Nations organizations to meet identified priorities in 53 projects. The largest beneficiary to date has been the infrastructure cluster, with $134 million allocated mainly to electricity and water projects. The education cluster has received $69 million, the agriculture cluster $62.5 million and the health cluster $62 million. The remaining funds are being programmed for approval by the UNDG Iraq Trust Fund Steering Committee in the near future.

46. As at the end of February 2005, the UNDG Iraq Trust Fund Steering Committee had approved programmes and projects to be executed by participating United Nations agencies worth $494.27 million. As at the end of December 2004, commitments amounted to about $230 million and actual disbursements to about $115 million. As at the end of February 2005, $108.5 million had been disbursed in support of the January elections in Iraq, through the election cluster (cluster 11). Through a special fast-track approval mechanism and without jeopardizing due

diligence, the Steering Committee was able to facilitate timely provision of the necessary technical inputs in support of the electoral process.

47. With almost all available funds allocated to identified programmes and projects, it has become quite important for donors to provide additional funds for the continuation of United Nations support for the reconstruction process. It is expected that the forthcoming donor committee meeting in Amman, planned for spring 2005, will help address this situation.

E. Human rights activities

48. Throughout the reporting period, UNAMI received consistent reports from individuals and community leaders, Government officials and national and international NGOs of excessive use of force against persons and property, as well as mass arrests by both the multinational force and Iraqi security forces (National Guard and police). Reports of ill-treatment of detainees and inadequacies in judicial procedures have continued. The Minister of Human Rights and the Minster of Justice have expressed their readiness to address this problem. The multinational force investigated and convicted those found guilty of abusing detainees in a number of cases.

49. The UNAMI Human Rights Office continues to work with Iraqi institutions and civil society to address the legacy of both past and present challenges with a view to fostering national reconciliation. Its interventions are based on the human rights programme jointly developed in 2004 with the Office of the United Nations High Commissioner for Human Rights (UNHCHR), other United Nations agencies and the Ministries of Justice, of Human Rights, of Displacement and Migration, of Women's Affairs, of Civil Society and of the Interior.

50. In January 2005, the Ministry of Human Rights and the UNAMI Human Rights Office, with the support of the United Nations Development Programme (UNDP), convened a meeting of the policy group composed of a wide range of representatives from the Iraqi Government and civil society. The policy group called upon the Government of Iraq to establish a National Centre for Missing and Disappeared Persons in Iraq and to enact the required legislation. The Prime Minister sent a letter of support. My Special Representative also addressed the meeting and expressed the support of the United Nations for the initiative. The resolution adopted at the end of the meeting called upon Iraqi society, institutions and individuals to cooperate fully with the National Centre to ensure that the fate of those who are missing, or who have involuntarily disappeared, is determined and appealed to the international community to extend its support to the National Centre for the successful pursuit of its humanitarian objective. On 20 February 2005, the Interim Iraqi Government issued a decree establishing the Centre. In a related development, the Human Rights Office is working with the Ministry of Human Rights and others to assist in the establishment of a national centre for the treatment of torture victims.

51. In December 2004, UNHCHR and the UNAMI Human Rights Office organized a "mapping meeting" in Geneva to share information on United Nations activities. The High Commissioner for Human Rights and the Ministers of Human Rights and of Justice attended and opened the meeting. Representatives from United Nations agencies and programmes (UNAMI, UNHCHR, UNDP, the United Nations

Development Fund for Women (UNIFEM), the United Nations Office for Project Services (UNOPS), UNHCR, UNICEF and the United Nations Educational, Scientific and Cultural Organization (UNESCO)) presented their planned activities in support of Government institutions and civil society, as well as in thematic areas such as administration of justice, transitional justice, human rights education, human rights and the media and the rights of women and children. Bringing together some 40 interested Governments and about 30 representatives of international civil society organizations, the meeting established a list of projected activities for Iraq in 2005 and 2006. Key recommendations included the setting up of a specific section on the UNHCHR web site for all human rights activities in Iraq undertaken by the United Nations, Governments, international organizations and NGOs.

52. The UNAMI Human Rights Office has engaged with the Ministry of Justice to further plan the implementation of projects addressing the reform of the Ministry, as well as the legal, judiciary and penitentiary systems.

53. Regarding Iraqi civil society organizations, the Human Rights Office, together with UNHCHR and UNOPS, is implementing a country-wide programme including conferences, seminars, training, research and publications. Following a conference on the role of civil society, held in Amman in December by UNOPS, in cooperation with UNAMI and the Ministry of Human Rights, a three-phase training-of-trainers programme in the area of human rights started on 10 February 2005.

F. Public information activities

54. The UNAMI Public Information Office has continued its efforts to publicize and raise awareness of the Mission's political, humanitarian and reconstruction work in Iraq through targeted outreach to Iraqis, media, donors and other stakeholders. This included the activities of my Special Representative in Iraq and abroad, particularly in regard to his efforts to facilitate dialogue among major Iraqi political actors and enhance support for a more inclusive political process in Iraq. In addition the Public Information Office publicized the work of the Mission's 11 clusters, covering education and culture; health; water and sanitation; infrastructure and housing; agriculture, water resources and environment; food security; mine action; refugees and internally displaced persons; governance and civil society; poverty reduction and human development; and electoral support. In this context, the Office has worked closely with implementing agencies working under the umbrella of UNAMI and cluster managers to deliver effective and targeted information on the clusters. It has provided in a timely manner briefings, press releases, media advisories, official statements and interviews, in addition to promoting conferences, training workshops for Iraqis and seminars organized by various components of the Mission.

55. The Public Information Office is promoting the next donors meeting, to be held in Amman in spring 2005. An information kit on the Mission's achievements and plans is being prepared in Arabic and English. In addition, in January 2005 UNAMI launched the publication of a monthly bilingual newsletter. The Office is also in the process of redesigning the Mission's web site to make it more user-friendly, achieve language parity and provide more core documents.

G. Establishment of a United Nations presence in Basrah and Erbil

56. Small United Nations liaison detachments of up to six staff members each were deployed to Erbil and Basrah on 1 and 12 February 2005, respectively. These liaison detachments include military advisers and security and support staff who will work with the multinational force to facilitate periodic visits, prepare United Nations facilities and assess the security conditions required for any expansion of the United Nations presence in Iraq. I am grateful to the Member States of the multinational force for providing support to the United Nations for the deployment of the liaison detachments. Additional arrangements for protection by the multinational force, as well by United Nations security personnel, will have to be put in place if the United Nations is to establish its own facilities in Basrah and Erbil.

H. Facilities

57. There are currently up to 64 UNAMI international staff in Baghdad, along with 134 members of the Fijian guard unit and 23 members of the personal security detail. Accommodation for United Nations staff in Baghdad remains limited. Securing additional interim accommodation that meets United Nations security standards is the main precondition for the deployment of additional United Nations staff to Baghdad. The construction of a 300-person facility is estimated to take up to 13 months for completion and will not meet short-term or mid-term requirements. Negotiations are under way with the multinational force and Iraqi authorities to secure additional interim accommodation as early as possible, including accommodation for up to 90 staff in a facility in the international zone. UNAMI intends to commence work on a $2.5 million logistics base for communications, transport maintenance and warehousing in mid-2005 in the international zone.

58. Pending an improvement in the security situation in Iraq and until secure accommodation is available to increase the current staff ceiling, UNAMI must continue to rely heavily on support from locations in Jordan and Kuwait for its operations in Iraq. While my Special Representative and his substantive, security and administrative support staff are based in Baghdad, the majority of humanitarian project planning and management activities are conducted from Amman, led by the Deputy Special Representative. The primary logistics support base is in Kuwait.

I. Agreements

59. On 29 December 2004, a bilateral agreement was concluded with the United States of America to obtain catering services, facility construction and renovation, vehicle maintenance, fuel supply, medical and military defence materials, training areas and welfare and recreation facilities for United Nations staff in Baghdad. In the prevailing environment, UNAMI operates from the international zone, supported by the Logistics Civil Augmentation Programme (LOGCAP), under the provisions of the agreement, as the only viable means of receiving uninterrupted life support. This is the most efficient and secure means of support at this time. It is estimated that, if current conditions continued such support arrangements would cost up to $22.9 million from January to December 2005. UNAMI is in the process of

establishing, where possible, independent arrangements to reduce its dependence on LOGCAP support.

60. A similar bilateral agreement with the United Kingdom of Great Britain and Northern Ireland for logistics support services in Basrah is currently in final stages of negotiation.

61. A status-of-mission agreement with the Government of Iraq remains under negotiation, and I urge the Government to provide as soon as possible its comments on the draft submitted by the United Nations in October 2004. The agreement concluded during the previous reporting period with the Government of Kuwait on UNAMI activities in Kuwait is currently awaiting ratification by the Parliament of Kuwait before it enters into force.

V. Security issues

62. During the reporting period, leading up to the national elections on 30 January 2005, much of Iraq was exposed to an extensive and well-planned effort to disrupt campaigning and voting. Levels of violence were very high, with sustained attacks on candidates, election workers and Iraqi and multinational security forces. The most serious attack took place in Hillah on 28 February, as mentioned in paragraph 12 above. While robust security arrangements and the determination of Iraqi voters enabled the elections to take place in most of the country, violence has again reached pre-election levels following a short abatement after 30 January 2005. There have been major attacks in Baghdad, Mosul, Erbil, Najaf, Karbala and Basrah, all indicating that, while the dangers are most intense and prevalent in the centre of Iraq, no part of the country is beyond the reach of hostile elements. With attacks using explosive devices and direct fire increasing in scale and sophistication, and the risk of hostage-taking, threats and risks outside heavily protected areas remain very high, and the security situation continues to be an overriding constraint for all United Nations activities.

63. The number of United Nations personnel in Iraq continues to be constrained by security conditions necessitating extremely well-protected living and working facilities within heavily guarded areas. Movement outside the Baghdad international zone, or similarly well-protected compounds in other parts of the country, continues to be extremely hazardous and therefore dependent on the protection of the multinational force. Under these conditions, any expansion of the United Nations presence in Iraq has of necessity been confined to the number of persons who can be accommodated in the Baghdad international zone, as well as the small security liaison detachments deployed to multinational force cantonments at Basrah and Erbil.

64. On 15 December 2004 the Fijian guard unit assumed from the multinational force the responsibility for "inner ring" protection of United Nations facilities within the Baghdad international zone. On 31 December 2005, two United Nations personal security details, consisting of personnel recruited from Fiji and trained and equipped with the assistance of a number of Member States, took up the personal protection function previously carried out under interim arrangements by the multinational force. Preparations for the recruitment of a third personal security detail are now under way. The integrated United Nations security structure referred to in paragraph 23 of my previous report continues to be developed in line with

security conditions and the numbers of UNAMI and associated United Nations personnel deployed in Iraq, Jordan and Kuwait.

65. While the United Nations is now capable of discharging its "inner ring" protection responsibilities in Baghdad, the multinational force will continue to provide "middle ring" and "outer ring" protection to the United Nations, including escort of convoys. The Secretariat has received comments from the United States of America with respect to the agreement on protection by the multinational force, referred to in paragraph 21 of my previous report. These comments are now the subject of negotiations in anticipation of the finalization of the agreement in the near future.

66. As indicated in paragraph 22 of my previous report, on 30 November 2004 I established a United Nations trust fund to accept and administer contributions from Member States for the purpose of supporting a distinct entity under the unified command of the multinational force (the "middle ring") with a dedicated mission to provide security for the United Nations presence in Iraq, in accordance with Security Council resolution 1546 (2004). As at 1 March 2005, a total of $8.3 million had been deposited in the trust fund by 11 Member States. A mechanism for the disbursement of funds to Member States providing troops to the distinct entity is being finalized. The United States of America informed the United Nations that the first troop contingent contributed to the distinct entity, by Georgia, will be deployed to Baghdad in March 2005.

67. Aircraft, together with their cargo and passengers, continue to be exposed to a high level of threat both on the ground and when in Iraqi airspace. In view of the robust and well-integrated security systems and arrangements that are required for air operations within and to Iraq, the United Nations will continue for the present to rely on the multinational force for air transport to Baghdad, Erbil and Basrah. In order to minimize the number of international staff required in Iraq to achieve its mandated tasks, the United Nations will also continue to rely heavily on logistical, medical and administrative services provided by Member States on a bilateral, cost-recoverable basis.

68. In paragraph 26 of my previous report, I stated that establishing the necessary security arrangements for the United Nations to operate in Iraq would be a time-consuming and expensive process. Therefore, the understanding of Member States in allocating the necessary resources and equipment to UNAMI to mitigate the very high level of threats and risks attached to the work of the United Nations in Iraq is much appreciated.

VI. Observations

69. The holding of the elections on 30 January 2005, for the Transitional National Assembly, 18 Governorate Councils and the Kurdistan National Assembly, marks the completion of an important first step in Iraq's political transition to the restoration of full sovereignty and the return of peace and stability, and opens the way to national reconstruction. Despite the limited time frame and the exceptionally difficult circumstances in which the elections took place, a large number of Iraqis in many parts of the country exercised their right to vote or ran as candidates. It is of course a matter of regret that far too many Iraqis did not participate, some to make a political statement, others as a result of serious and unacceptable violent means used

to intimidate voters and disrupt the process. The fact that the elections met recognized international standards in terms of organization, regulations and procedures demonstrates the professionalism and effectiveness of the Independent Electoral Commission of Iraq, as well as the thousands of Iraqi election workers, trainers and monitors in carrying out their tasks.

70. I am pleased that the United Nations, under the overall responsibility of my Special Representative, Ashraf Qazi and the able direction of the United Nations Chief Electoral Officer in Iraq, Carlos Valenzuela, and with the support of the team at Headquarters headed by the Director of the Electoral Assistance Division, Carina Perelli, was able to assist the Independent Electoral Commission of Iraq in ensuring that all the necessary preparations for the elections were put into place. As part of the international electoral assistance team led by the United Nations, experts from the European Union, the United Kingdom of Great Britain and Northern Ireland, Chile and the International Foundation for Election Systems played an important support role as well. Security forces, both Iraqi and international, ensured a relatively secure environment for the elections.

71. The outcome of the elections offers a new opportunity for Iraqis to cast off the legacy of war and dictatorship and build the foundations for a democratic and prosperous Iraq, at peace with itself, its neighbours and the international community. Yet elections are but a first step for achieving these goals. Regional variations were significant, and the turnout in areas with a majority of Arab Sunnis was markedly lower than for other communities. As noted above, the security situation remains a major challenge. It will be critical in the coming weeks to build upon the positive momentum generated by the elections.

72. The key to a successful transition is that it be as inclusive, participatory and transparent as possible. This means creating a sustainable political process that all Iraqis feel they have a stake in. Failure to engage in national dialogue and reconciliation could bring strife far more damaging than the compromises necessary for reaching a national consensus achieved through peaceful means.

73. A number of Iraq's political groups that the Transitional Government seeks to include in the political process insist on their demands being considered, including with regard to a timetable for the withdrawal of the multinational force. In turn, the Transitional Government is likely to insist on the prior need to establish a reliable indigenous security capability and on requiring groups that make such demands to demonstrate in practice that they are not wedded to pursuing anti-democratic agendas by violence in cooperation with extremists and terrorists.

74. The making of Iraq's new constitution can be instrumental for forging a new national consensus. Issues that touch on the future character of the State and the relationship between Iraq's diverse communities are bound to arise. It will be important that the new Iraqi leadership signal clearly that all Iraqis will have the opportunity, and are encouraged, to participate fully in the process.

75. Now that elections have taken place, Iraqis expect tangible dividends, particularly in terms of security and living conditions. The better and the faster that Iraqi security forces can be trained, the sooner they will be able to assume their responsibilities and fully take charge of the country's security. Particular care should be taken by those responsible for ensuring security to see that their actions do not adversely affect the civilian population. Similarly, attention needs to be given to

creating conditions for the return and reintegration of those displaced as a result of violence and military action.

76. Priority attention must be given to addressing the basic needs of all Iraqis. Job creation, infrastructural improvements, institutional capacity-building and effective delivery of basic services are essential for making the political and security context more conducive to a successful transition process. Efforts in this area must therefore be intensified.

77. To meet these challenges ahead, the new transitional institutions of Iraq will need continued and active support from the international community. The United Nations has accompanied the Iraqis at every step of their political transition so far. We are determined to continue to do everything possible to implement our mandate under Security Council resolution 1546 (2004), as circumstances permit. The United Nations has considerable experience in supporting and facilitating transitional processes, often under difficult conditions. Iraq, however, has all the human potential and material resources to take charge of its own destiny. The United Nations can best contribute to helping Iraq by supporting the creation of enabling conditions for the political and economic reconstruction of the country.

78. The next step in Iraq's transition is the constitution-making process. Full Iraqi ownership of this process will be particularly important. On the basis of the mandate contained in resolution 1546 (2004), my Special Representative is already consulting with a wide range of Iraqi representatives to promote dialogue and consensus-building in support of the political transition, including the constitution-making process. There are many ways in which the United Nations could provide specific help, including technical assistance, public information support and coordination of international assistance. I welcome the recent statement by the President of the Security Council encouraging members of the international community to provide advisers and technical support to the United Nations to help us fulfil our role. We stand ready to work closely with the elected members of the Transitional National Assembly and other representatives of Iraqi society to assist in this process, as and when requested by the Government of Iraq.

79. We are equally committed to continuing to assist the Independent Electoral Commission of Iraq in making the necessary preparations for the national referendum on the constitution and the elections that are to follow so as to ensure that they fairly and accurately reflect the will of the Iraqi people.

80. The work of UNAMI in the reconstruction, development and humanitarian areas is driven by Iraqi demands and priorities. On the basis of the United Nations strategic plan for Iraq for 2005 to 2007, developed within the framework of priorities set in the Iraqi national development strategy, 23 United Nations agencies, programmes and funds are working from both inside and outside the country to ensure a coordinated and efficient effort in providing reconstruction and humanitarian assistance to Iraq. With new security and accommodation arrangements recently put in place, we increased the number of international UNAMI staff in Baghdad and deployed United Nations liaison detachments to Erbil and Basrah, to explore the possible expansion of our reconstruction and humanitarian activities inside Iraq, as circumstances permit.

81. As we work to normalize the situation inside Iraq, every effort should be made to normalize Iraq's relations with the region and with the international community at

large. Iraq's neighbours have legitimate concerns and should be heard. Iraq's sovereignty, political independence and territorial integrity must also be fully respected. A sovereign Iraq naturally aspires to regain its rightful place among the community of nations. I welcome the initiative launched at Sharm-el-Sheikh in November and the ongoing regional process among Iraq, its neighbours and other countries of the region. These efforts should be pursued in a sustained and effective manner. For my part, I intend to continue to foster greater regional and international convergence in support of Iraq's political transition.

82. The elections held on 30 January mark an important milestone in Iraq's transition. Iraqis are looking to their elected leaders to deliver on the promise of a peaceful, democratic and prosperous Iraq. The international community shares a common agenda to support the Iraqi people in this endeavour. The challenges ahead are real; but so, too, are the opportunities. In fulfilment of our mandate, and circumstances permitting, the United Nations will spare no effort to meet the expectations of the Iraqi people through this critical period of their history.

United Nations S/2005/141/Corr.1

Security Council

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Report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004)

Corrigendum

Paragraph 66, second sentence

The sentence *should read*

As at 1 March 2005, a total of $15.5 million had been deposited in the trust fund by 12 Member States.

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Report of the Secretary-General on Ethiopia and Eritrea

I. Introduction

1. The present report is submitted pursuant to paragraph 12 of Security Council resolution 1320 (2000) of 15 September 2000, and provides an update on the peace process since my report dated 16 December 2004 (S/2004/973 and Corr.1). The report also describes the activities of the United Nations Mission in Ethiopia and Eritrea (UNMEE), the current mandate of which expires on 15 March 2005.

II. Status of the Temporary Security Zone and adjacent areas, and cooperation with the parties

2. The situation in the Temporary Security Zone and in the adjacent areas remains generally calm and stable. Following the announcement of the five-point proposal by Meles Zenawi, the Prime Minister of Ethiopia, on 25 November 2004 (see S/2004/973/Add.1), there has been a steady increase of troops of the Ethiopian armed forces south of the Temporary Security Zone. This development, which began on 16 December 2004, after advance notice by the Ethiopian Government, appears to be continuing. Ethiopia describes the build-up of troops as part of the reorganization of its armed forces intended to improve its defence capability. So far, UNMEE has confirmed that Ethiopia has redeployed six to seven additional divisions at points ranging from 25 to 45 kilometres from the southern boundary of the Zone. This move has been characterized by Ethiopia as purely defensive. Eritrea considers the deployment provocative. At the same time and to the extent that UNMEE is able to monitor the situation, there has been no significant movement or redeployment of troops of the Eritrean Defence Forces, except for some adjustments in areas adjacent to the Zone to cover the main roads linking Eritrea with Ethiopia.

3. I am concerned about a possible rise in tensions along the border in view of the build-up described above, as well as the training of Ethiopian troops in the adjacent areas south of the Temporary Security Zone and Ethiopian troop movements in Sector West. I appeal to the Government of Ethiopia to redeploy its troops away from the vicinity of the southern boundary of the Zone, in order to reinstate the situation that pertained before 16 December 2004.

4. During the reporting period, both parties generally cooperated with UNMEE. However, as indicated in my previous report to the Security Council, the threat to military stability due to the lack of progress on the political front remains. This

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threat has increased with the recent military "reorganization" as well as the hostile rhetoric from both capitals. It should also be noted that the success of monitoring and verification of the military situation on the Eritrean side is somewhat qualified because of the serious measures described in paragraph 5 below. The present political stalemate notwithstanding, I am pleased to note that UNMEE has been able to maintain the integrity of the Temporary Security Zone.

Freedom of movement

5. Since my last report to the Security Council, there have been some positive developments with regard to cooperation between UNMEE and Eritrea in this area. Restrictions of freedom of movement have to some extent been progressively reduced in the areas adjacent to the Temporary Security Zone. Recently, the Force Commander and the local UNMEE commanders were invited to visit the positions of the Eritrean Defence Forces. They were briefed by the local Eritrea Defence Force Commanders and promised full cooperation. However, the vital Asmara-Keren-Barentu road has remained closed to UNMEE traffic since 5 March 2004, except for the brief periods from 9 to 31 August 2004 and 12 to 26 January 2005, when it was reopened to facilitate rotations of the Jordanian battalion. This measure remains a major impediment to UNMEE operations, since the closed road is the best supply route for United Nations troops in Sector West.

6. On the Ethiopian side, especially in Sub-Sector East, UNMEE personnel encountered restrictions to its freedom of movement in certain locations within the adjacent area. Since every such impediment places an unnecessary constraint on UNMEE's operational efficiency, I appeal to both countries for their cooperation.

7. With regard to the issue of a direct flight route between Addis Ababa and Asmara, I regret to inform the Security Council that the position of the Government of Eritrea has not changed since my last report. Mission aircraft continue, as in the past, to fly via Djibouti, thereby incurring considerable additional costs and waste of work hours, as well as running increased safety and security risks. I reiterate my appeal to the Government of Eritrea to finalize the necessary flight arrangements with UNMEE without delay, with a view to allowing direct flights between the two capitals.

Military Coordination Commission

8. The twenty-eighth meeting of the Military Coordination Commission was held in Nairobi on 17 January 2005 under the chairmanship of the UNMEE Force Commander. During the meeting, the delegates discussed the current military situation and reviewed the functioning of the sector-level military coordination commissions. The deliberations were held in a cordial atmosphere, with both sides expressing a willingness to cooperate with UNMEE in its search for solutions to outstanding issues. The two delegations also discussed the reorganization and redeployment of the Ethiopian armed forces units, as well as their potential impact on the peace process. In that connection, the Ethiopian Commissioner stated that the redeployment of the Ethiopian army was a "purely defensive measure", in contrast to Eritrea's characterization of the same development as "provocative".

Status of the Mission and related issues

9. As at 18 February 2005, the total strength of the UNMEE military component stood at 3,344, comprising 3,049 troops, 87 headquarters staff officers and 208 military observers (see annex II).

10. In accordance with Security Council resolution 1560 (2004) of 14 September 2004, the adjustment of the Mission and streamlining of its operations commenced in December 2004 and was completed at the end of January 2005. As planned, the force has been reduced from three to two battalions. The former Sector East has now been reorganized into a subsector under the operational command of Sector Centre. Some 250 troops from the Indian battalion, with a standby reserve of 30 to 40 troops, are now deployed in the new Sub-Sector East.

11. The core operations under the revised concept, in accordance with Security Council resolution 1320 (2000), remain observation, reporting, analysis, identification of potential flash points and preventive action. The concept also includes selective aerial reconnaissance of particular areas.

12. As mentioned in my last report, the ground fuel problem faced by the Mission has abated somewhat. Bulk fuel supplies have been resumed. Mission fuel reserves are now at acceptable levels as dictated by reasonable prudence. Consequently, travel restrictions, introduced as a precautionary measure, have been lifted. For the foreseeable future, the Mission does not envisage the need to import fuel directly, as initially planned.

III. Boundary Commission

13. The Boundary Commission has been unable to resume the demarcation process, despite continued efforts to do so. As described in the sixteenth report on the work of the Commission (see annex I), Eritrea insists on adherence to the April 2002 delimitation decision. The Commission also states that Eritrea is not prepared to accept the proposal made by Ethiopia some time ago for the completion of demarcation in the Eastern Sector unless there is at the same time a clear assurance from Ethiopia that the rest of the boundary will also be demarcated.

14. According to the Boundary Commission, Ethiopia is not prepared to allow demarcation to continue in the manner laid down in the demarcation directions and in accordance with the timeline set by the Commission. It now insists on prior dialogue, but has rejected the opportunity for such dialogue within the framework of the demarcation process. In the assessment of the Commission, this is the latest in a series of obstructive actions taken since the summer of 2002, which belies the frequently professed acceptance by Ethiopia of the delimitation decision.

15. In view of this situation, the Commission has indicated that it is taking immediate steps to close down its field offices for the time being. These can be reactivated (though subject to some months of lead time) when circumstances permit the resumption of demarcation work. As for the Commission, it remains ready to proceed with and complete the process of demarcation.

16. The Commission concludes its report by stating that the line of the boundary was legally and finally determined by its delimitation decision of 13 April 2002. Though undemarcated, the Commission reports this line is binding upon both

parties, subject only, unless the parties agree otherwise, to the minor qualifications expressed in the delimitation decision.

IV. Mine action

17. Landmines and unexploded ordnance continue to constitute a major threat in the Temporary Security Zone and adjacent areas, hindering the resettlement of the population of both countries. During the period from December 2004 through February 2005, there were five reports of incidents concerning mines and/or unexploded ordnance in the Temporary Security Zone, three in Sector Centre and two in Sector West, in which three people were killed and 11 injured.

18. Besides closely monitoring the threat of landmines and unexploded ordnance in all Sectors, the UNMEE Mine Action Coordination Centre also continued to provide the necessary mine action support to the Mission in the Temporary Security Zone, ensuring that a consistent and well-coordinated UNMEE mine action response was maintained. During the period under review, the Force's small demining assets, together with the commercial contractors for route clearance and integrated demining operations, destroyed 81 mines and 79 items of unexploded ordnance, and cleared 148,291 square metres of land and 222 kilometres of road.

19. The Mine Risk Education field teams, established by the Mine Action Coordination Centre, continued to focus their outreach activities on populations in both Sectors, especially those living in areas suspected to be dangerous. During the reporting period, the teams provided mine-risk education, assistance and advice to almost 4,000 people.

V. Humanitarian developments

20. In Eritrea, the overall humanitarian situation continues to deteriorate. Successive years of drought, inadequate rains and existing economic policies have seriously undermined crop and livestock production. The food situation is expected to be exacerbated further in 2005 because of the poor crop harvest in September/October 2004. It is also expected that an estimated 2.3 million people, about two thirds of the population of the country, will require food assistance at varying levels throughout 2005. The World Food Programme (WFP) has reduced beneficiary rations significantly in an attempt to stretch the food supplies into the second quarter of the year: only internally displaced persons in camps will continue to receive a food ration fully covering their daily caloric requirement, while the rations of all other categories of beneficiaries will be reduced.

21. In addition, Eritrea needs to combat infant and maternal malnutrition. The deficit of 24,000 metric tons in supplementary feeding has made it difficult for humanitarian agencies to reverse the prevailing high malnutrition rates. Despite the enormous strides made in lowering infant mortality, acute respiratory infections and diarrhoea still pose a major threat to child survival in the country. While HIV prevalence appears to be stabilizing at 2.4 per cent, infection levels vary considerably, highlighting the need to intensify and refine the focus of prevention efforts. Meanwhile, water shortages and the deterioration of water quality are being reported in most parts of the country. Sanitation coverage in rural Eritrea is also

very low, with only 3.6 per cent of the population having access to improved sanitation facilities. This poses additional health risks to children.

22. Some 19,000 internally displaced persons who recently returned to their places of origin inside the Temporary Security Zone in Sector West will require basic social services and facilities for sustainable reintegration. In 2004, the United Nations Consolidated Appeal for Eritrea was less than 60 per cent funded, and the 2005 Consolidated Appeal remains largely unfunded. I appeal to the donor community to make timely and adequate contributions to address the humanitarian needs in the country.

23. In Ethiopia, the 2005 Joint Humanitarian Appeal was launched on 23 December 2004, just as the Government embarked on its Productive Safety Nets Programme. The programme aims to provide cash or food assistance, in exchange for public works, to some five million people who are subject to chronic food shortages. The humanitarian appeal will focus on the acute food needs of 2.2 million affected people and will support another 930,000 proposed beneficiaries in the Afar and Somali regions in 2005, until those areas can adequately prepare for implementation of the new government programme. In accordance with this Consolidated Appeal, 159 million United States dollars is required for food assistance and another $112 million will be needed for health, nutrition, water and sanitation, agriculture, capacity-building and coordination.

24. As of mid-February, only 30 per cent of food requirements were met in Ethiopia for the year and minimal pledges had been made for non-food requirements. No emergency food aid was dispatched by the Disaster Prevention and Preparedness Commission to any region in January and there are very limited stocks of food for emergency food aid distribution. Despite a reported bumper harvest in 2004, large areas of the country remain severely affected by drought and food insecurity.

25. The enhanced outreach strategy, which targets 6.9 million children aged five and under for nutritional screening, immunizations and supplementary feeding, is reporting large numbers of acutely malnourished children in the 325 locales where the programme is under way.

26. The peace agreement in the Sudan offers the prospect for the accelerated return home of Sudanese refugees who are currently in western Ethiopia. There are also prospects that the remaining refugees in the Somali National Regional State may return to their homes in Somalia this year.

Quick-impact projects

27. UNMEE continued to implement numerous quick-impact projects in the Temporary Security Zone and its adjacent areas, in both Ethiopia and Eritrea, from funds received through the Trust Fund to Support the Peace Process in Ethiopia and Eritrea. The Government of the Netherlands recently made another contribution of $68,000 to the Fund, thus bringing the total amount of its overall donation to $270,000. Since 2001, UNMEE has disbursed $1.3 million worth of small-scale projects for water, sanitation, health and education. While deliberately modest in size and scope, this work promotes tangible benefits to local communities and contributes to positive relations between UNMEE and the people of both countries at the grass-roots level. I urge donors to support these very important projects in the

Temporary Security Zone and in the surrounding areas by making additional contributions to the Trust Fund.

HIV/AIDS activities

28. The small HIV/AIDS Unit, together with all military contingents of the Mission, commemorated the World Aids Day on 3 December 2004. On that occasion, UNMEE conducted special HIV/AIDS awareness activities through drama performances and open forums involving both the local communities and UNMEE contingents. UNMEE also conducted induction as well as routine training for all new arrivals in the mission area, and distributed HIV/AIDS awareness cards to personnel at the Mission Headquarters and in the field.

VI. Human rights

29. During the reporting period, UNMEE carried out regular visits and monitored the situation of Eritrean refugees in the Shimelba camp, near Shiraro in Ethiopia. The camp, where more than 8,000 Eritreans have sought asylum, has a monthly influx of approximately 230 new arrivals. Although security conditions in the camps have improved, refugees continue to face critical humanitarian needs, including the lack of drinking water, proper health and sanitation facilities and food supplies. The living conditions of the most vulnerable groups, mainly women and children, are also of great concern. I therefore appeal to the donor community to generously assist humanitarian agencies in order to alleviate the critical situation facing the residents of Shimelba refugee camp as well as the Afar internally displaced persons living in extremely harsh and remote areas in Sub-Sector East.

30. UNMEE has also continued to monitor the human rights situation within the Temporary Security Zone and to investigate related issues, including cross-border incidents and the abduction of minors. In two such cases, involving 11 Ethiopian minors, from Mai Cha and Kafna in the Central Sector, the children were successfully returned to their families in Ethiopia after a few days of detention in Eritrea. I am pleased to note that the Eritrean authorities, on this occasion, acknowledged that such incidents should not reoccur. The Mission has also encouraged Ethiopia to develop standard procedures for processing cases of unaccompanied Eritrean minors who voluntarily cross into the country. The country also lacks adequate facilities for the temporary accommodation of these minors.

31. In my last report, I encouraged the implementation of technical cooperation projects to assist both countries in their capacity-building efforts in human rights. In that respect, UNMEE undertook preliminary needs assessments in Ethiopia in February. I am pleased to note that the initiative was well received. UNMEE will endeavour to replicate similar meetings with relevant segments of the civil society and international organizations in Eritrea. I encourage both parties to continue extending their full support and cooperation to the Mission.

32. UNMEE also continued to conduct human rights promotional and training activities for the benefit of different target groups in the two countries. I am encouraged by the fact that during the celebration of Human Rights Day UNMEE successfully undertook various activities in both countries to promote awareness of human rights issues among disabled people.

VII. Public information

33. UNMEE public information activities have continued through its radio programmes, weekly press briefings, video productions and monthly newsletter. The misunderstanding with the Ministry of Information of Eritrea regarding its apparent demand to check the UNMEE newsletter prior to publication seems to have been clarified, and Radio Eritrea continues to broadcast the weekly one-hour programme prepared by UNMEE. Nevertheless, getting the UNMEE message out on a regular basis through the local media has become increasingly difficult. On the Ethiopian side, there have been encouraging discussions with the Minister of Information and the head of Ethiopian Radio to place the UNMEE radio programme on their regular programme schedule, in place of the present practice of using shortwave broadcasts.

34. The work of the Outreach Centres established by UNMEE on the Ethiopian side continues apace, in particular since the opening of the Adigrat Outreach Centre in October 2004. UNMEE also launched and widely distributed its 2005 calendar focused on the implementation of quick-impact projects. These and other events conducted by the Mission attracted great interest from the general public and underscored the need for United Nations messages to reach the population at the grass-roots level.

VIII. Sexual exploitation and abuse

35. UNMEE appointed both a focal point and an alternate to receive complaints on sexual exploitation and abuse. Additionally, training on sexual exploitation and abuse has been incorporated, on a systematic basis, in all induction and other ongoing training programmes for both civilian and military personnel in the mission.

IX. Financial aspects

36. The General Assembly, by its resolution 58/302, appropriated $198.3 million, equivalent to $16.5 million per month, for the maintenance of UNMEE for the financial period from 1 July 2004 to 30 June 2005. Should the Security Council decide to extend the mandate of UNMEE beyond 15 March 2005, the cost of maintaining the Mission would be limited to the amount approved by the Assembly. As at 31 January 2005, unpaid assessed contributions to the special account for UNMEE amounted to $64.4 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $2.2 billion.

X. Observations

37. Despite the difficulties experienced in the peace process and, in particular, in the implementation of the decision of the Eritrea-Ethiopia Boundary Commission of April 2002, I commend the parties for their continued commitment to the provisions of the agreement on cessation of hostilities of June 2000. This has contributed to UNMEE's sustained ability to maintain the integrity of the Temporary Security Zone.

38. Members of the Security Council will recall that in my last report I urged the two parties not to undertake any activities that could undermine the integrity of the Temporary Security Zone or otherwise jeopardize the fragile and relative stability that has prevailed thus far. It is therefore troubling that Ethiopia's announcement of its five-point proposal was followed by a substantial redeployment of their forces near the southern boundary of the Zone. As I have stated on several occasions in the past, a stalemate in the peace process is a source of instability; this is exacerbated when troops are amassed in the border region. I therefore reiterate my strong appeal to both parties to refrain from any action that could destabilize the situation.

39. Equally, I note with concern statements to the effect that it is not possible to implement the Boundary Commission's decision as is. I wish to reiterate the importance for the parties to accept the demarcation of the boundary in accordance with the Commission's instructions.

40. In the December 2000 Algiers Agreement, the parties committed to submit their boundary dispute to binding arbitration. Three years have passed since the Commission issued its decision. In this regard, the reports of the Commission, including the one attached to the present document (see annex I), are self-evident. According to the Commission, new construction has been undertaken in areas that were awarded to Eritrea, which could be interpreted as an effort to create facts on the ground.

41. As I indicated in my previous report to the Security Council, I welcome any step that contributes to the full implementation of the 2000 Algiers Agreement and the subsequent decision of the Boundary Commission, the initiation of dialogue between Eritrea and Ethiopia and their willingness to normalize bilateral relations.

42. In February 2002, shortly before the Boundary Commission issued its delimitation decision, the Security Council visited the two countries in order to assure them that it would continue to support the peace process, including demarcation. The Council may find it opportune to reaffirm and demonstrate its commitment by returning to Eritrea and Ethiopia. In order to ensure that the impact of this visit is not mitigated by other political developments in the region over the next few months, such a mission by the Council, no later than this summer, may be timely. As was the case in its previous visit, discussions with the leadership in the two capitals could be accompanied by stops in the border area.

43. In this same vein, I would urge the witnesses to the Algiers Agreements to play a more concerted role, with a view to assisting in breaking the protracted and dangerous stalemate.

44. Equally, despite the Council's call on Eritrea to cooperate with my Special Envoy, Lloyd Axworthy, and despite my clarifications with regard to his mandate, Eritrea has made it clear that it will not engage in any further diplomatic exchanges with him. I appeal to Eritrea to engage my Special Envoy and to extend to him the necessary cooperation in order to enable him to facilitate the implementation of the Algiers Agreement and the decision of the Boundary Commission.

45. As UNMEE continues to discharge its mandate, its role as a stabilizing factor is acquiring additional importance. In the circumstances, the Mission will do everything possible to observe, analyse, report on the situation on the ground and promote confidence and political solutions. Therefore, I recommend that the

mandate of UNMEE be extended for an additional period of six months, until 15 September.

46. In the meantime, people affected by the border dispute continue to suffer. The sooner demarcation is completed, the better for everyone. I reiterate my appeal to the donor community to continue to make available the necessary resources to address humanitarian needs of the affected populations.

47. In conclusion, I would like to express my gratitude to my Special Representative, Legwaila Joseph Legwaila, and to the UNMEE civilian and military personnel for their continued commitment and hard work. I would like to pay special tribute to the Kenyan battalion, which concluded its tour of duty in Sector East at the end of January 2005, and to the Government of Kenya for its unstinting support to UNMEE. I would like to thank my Special Envoy, Lloyd Axworthy, who remains at the disposal of the parties for the conclusion of a lasting peace.

Annex I

Eritrea-Ethiopia Boundary Commission

Sixteenth report on the work of the Commission

1. This is the 16th Report of the Eritrea-Ethiopia Boundary Commission, covering the period from 15 December 2004 to 28 February 2005.

2. The Commission regrets that it has to begin this Report by informing the Secretary-General that, despite the efforts that the Commission has made in recent months to secure the resumption of the demarcation process, it has been unable to do so.

3. On 4 February 2005 the Commission invited the Parties to meet with it in London on 22 February 2005. Eritrea accepted the invitation. Ethiopia declined it, saying the meeting would be

> "premature . . . would be unproductive and could have an adverse impact on the demarcation process. The first priority for success in the demarcation process is to bring about good faith dialogue between the Parties. The Eritrean letter indicates no willingness on Eritrea's part in this regard."

Ethiopia made it clear that what it described as "the anomalies and impracticalities" in the Delimitation Decision must be addressed by the Parties through dialogue. "Only in this manner will the necessary conditions exist for the Commission to complete its duties."

4. The Commission finds itself confronted by the following situation.

5. Eritrea insists on adherence to the April 2002 Delimitation Decision. It is willing to meet with the Commission and Ethiopia to discuss the unconditional renewal of the demarcation process. It is not prepared to accept the proposal made by Ethiopia some time ago for the completion of demarcation in the Eastern Sector unless there is at the same time a clear assurance from Ethiopia that the rest of the boundary will also be demarcated.

6. Ethiopia is not prepared to allow demarcation to continue in the manner laid down in the Demarcation Directions and in accordance with the timeline set by the Commission. It now insists on prior "dialogue" but has rejected the opportunity for such "dialogue" within the framework of the demarcation process provided by the Commission's proposal to meet with the Parties on 22 February. This is the latest in a series of obstructive actions taken since the summer of 2002 and belies the frequently professed acceptance by Ethiopia of the Delimitation Decision.

7. In view of the refusal of Ethiopia to attend the 22 February meeting, the Commission had no alternative but to cancel it. However, given the gravity of the situation, the Commission decided that it would itself meet on that date.

8. Subject to what is said in paragraph 32 below, the Commission does not see any immediate or short term prospect of the renewal of the demarcation process.

9. Hitherto the Commission has been reluctant to express any legal assessment of the circumstances which have led to the present impasse, but it now feels that it is necessary to recall the principal developments that have led to the present situation and to identify the conduct that has prevented the Commission from completing its mandate.

10. By the Algiers Agreement of December 2000, the Commission was required both to delimit the boundary (that is to say, to determine and to describe precisely the legal boundary between the two Parties) and to demarcate the boundary (that is to say, to arrange for the boundary so determined to be visibly marked on the ground by the placing, where necessary, of boundary markers).

11. The mandate of the Commission as laid down in Article 4, paragraphs 1 and 2 of the Algiers Agreement was "to delimit and demarcate the colonial treaty border based on pertinent colonial treaties (1900, 1902 and 1908) and applicable international law. The Commission shall not have the power to make decisions *ex aequo et bono*." In the proceedings leading to the Delimitation Decision, neither Party contended that the Commission should depart from the boundaries that it would objectively determine were laid down in the stated treaties.

12. The boundary line laid down in the Delimitation Decision was subject to two specific and limited qualifications. They were set out as follows:

In the vicinity of Tserona the boundary was stated to run round that town

"at a distance of approximately one kilometre from its current outer edge, in a manner to be determined more precisely during the demarcation."

In the vicinity of Zalambessa the boundary was to pass round that town

"at a distance of approximately one kilometre from its current outer edge. . . The current outer edge of Zalambessa will be determined more precisely during the demarcation."

13. Small scale maps illustrating the boundary described in the Delimitation Decision were also included in it. The Decision foresaw that:

"A definitive map of the whole boundary on a scale of 1:25,000 will be produced on a sector-by-sector basis as each sector is finally demarcated and the exact coordinates of the locations of the boundary markers have been determined."

The coordinates of all reference points mentioned in the Decision were specified in a table. The Commission explained that:

"Except as otherwise indicated, all coordinates have been computed to the nearest one tenth of a minute, which corresponds to approximately 0.18 kilometre on the ground. The principal reason for using this specification is because of the limited availability at the present stage of information on the maps available to the Commission. All coordinates will be recalculated and made more precise during the demarcation as the Commission acquires the additional necessary information."

As the Commission further explained in its Observations of 21 March 2003 (S/2003/257/Add.1), para. 11:

". . . the recalculation of the coordinates was to be solely for the purpose of ensuring, on the basis of aerial photography, which the Commission had previously been precluded from initiating, that the coordinates of the locations listed in the Decision were accurate. Nothing in the language used could reasonably be read as suggesting that the Commission intended that the locations themselves would be varied during the demarcation. It was to be a technical exercise not involving any substantive alteration in the boundary. Nothing was said in the Decision to suggest that the line was provisional other than in relation to the locations specifically identified in paragraph 10 above."

14. When the Delimitation Decision was rendered, both Parties accepted it and its delimitation of the boundary, as indeed they were bound by the Algiers Agreement to do. The acceptance by each Party was unqualified and publicly announced.

15. That boundary, as delimited by the Commission, and subject only to the two qualifications mentioned in para. 12 above, constituted the final and legally binding line of the boundary. What remained to be done was the physical demarcation of the line on the ground by the placing of visible markers at appropriate locations. The Commission accordingly moved on to the demarcation phase of its activity, having already appointed a Chief Surveyor and a Special Consultant and opened Field Offices. The Parties were consulted and their views were taken into account in the formulation of the Demarcation Directions which were promulgated on 8 July 2002. At that stage, neither Party suggested that the Commission had, or should have, a power to vary the boundary in the course of demarcation or that there was any need for more than limited technical discussion between them before the demarcation could begin and be carried to a conclusion. Direction 14A of the Demarcation Directions specifically stated:

"The Commission has no authority to vary the boundary line. If it runs through and divides a town or village, the line may be varied only on the basis of an express request agreed between and made by both Parties."

16. During the summer and autumn of 2002, preparations for the demarcation continued. A base map on which pillar locations could ultimately be indicated was also prepared. In December

2002 the map was sent to the Parties for their comments. Eritrea filed 17 pages of technical comments. Ethiopia filed 141 pages of comments. The latter went beyond the scope of technical comment and contained, as reported by the Commission in its Eighth Report (1 December 2002-21 February 2003) to the Secretary-General:

"... a detailed exposition of the views of Ethiopia regarding the steps that it deemed necessary for the satisfactory completion of the demarcation. In a number of significant respects the comments amounted to an attempt to reopen the substance of the April Decision, notwithstanding Ethiopia's repeated statements, made both before and since, of its acceptance of the Decision.

4. The main thrust of the Ethiopian comments is that the boundary should be varied so as to take better account of human and physical geography. They are similar to those advanced by Ethiopia in discussions with the Commission in the period since the April Decision".

17. On 17 July 2002, in response to a complaint by Eritrea that Ethiopian nationals were being settled in Dembe Mengul on the Eritrean side of the border as determined by the Commission, the Commission made an Order requiring Ethiopia to withdraw those nationals from that village. On 14 August 2002 the Security Council, in Resolution 1430, called on the parties to refrain from unilateral troop or population movements, including establishment of any new settlements in areas near the border, until demarcation and orderly transfer of territorial control has been accomplished in accordance with Article 4.16 of the Comprehensive Peace Agreement. Ethiopia did not comply with the Commission's Order. On 7 November 2002 the Commission formally determined that Ethiopia had not complied with its obligation and so reported to the Security Council. Ethiopia has still not complied.

18. The Commission in its Eighth Report recalled that the Algiers Agreement placed upon the United Nations the responsibility for dealing with the consequences of any aspect of the demarcation that involves the transfer of territory or the division of communities, but again said that it was willing to assist in the process of boundary variation if the Parties and the United Nations so wished.

19. On 21 March 2003 the Commission took the unusual step of communicating to the Parties certain Observations intended, *inter alia*, to clarify the position with respect to variation from the boundary laid down in the Decision. The text of the Observations was added to the Eighth Report. The Commission said in those Observations that:

"8. ... the scope for any clarification of or deviation from the boundary which the Boundary Commission has laid down is very limited. In the Commission's view a demarcator must demarcate the boundary as it has been laid down in the delimitation instrument, but with a limited margin of appreciation enabling it to take account of any flexibility in the terms of the delimitation itself or of the scale and accuracy of maps used in the delimitation process, and to avoid establishing a boundary which is manifestly impracticable."

It is apparent that this very carefully restricted formulation offers no support for any suggestion that the Commission itself acknowledged the need for wide ranging dialogue in order to finalise agreement on the line to be taken by the boundary.

20. The Commission also observed as regards Badme village, which the Commission had found to lie on the Eritrean side of the boundary but to which Ethiopia continued to press its claim, that:

"Overall, the evidence was nothing like what might have been expected had Ethiopia's presence there in the period before the case been as significant as Ethiopia now alleges. The Commission would note that what is relevant here is governmental and not private activity. The references to Ethiopian governmental control of Badme and its environs were insufficient to persuade the Commission that an Ethiopian presence west of the line from Points 6 to 9 would support a departure from the line that had crystallized by 1935. This conclusion followed from the inadequacy of Ethiopia's evidence."

21. At the same time, the Commission said that:

". . . in the light of further work done in the exercise of its demarcation function, the Commission has identified two areas in the Central Sector where a strict application of the line as delimited in its Delimitation Decision would be manifestly impracticable, namely, certain plateau lands in the vicinity of Point 18 on the boundary, and the area of the delta-like formation where the Ragali River flows into the Salt Lake. Demarcation instructions relating to these areas will be issued later."

The Commission also referred to technical demarcation issues between Points 17 and 18, which it said would be addressed in future instructions to the demarcation team. The Commission also referred to some uncertainty regarding the boundary line around Zalambessa and the commencement of the line passing down the Muna until it meets the Enda Dashim at Point 21 and said that it would be giving the demarcation team appropriate instructions in due course.

22. The Commission concluded:

"28. It is inherent in any boundary delimitation that it may give rise to anomalies on the ground. This was expressly anticipated and accepted by the Parties in their December 2000 Agreement, and by the Commission in its Demarcation Directions of July 2002. This is essentially a matter for the Parties to deal with by agreement between themselves, or by agreeing to empower the Commission to vary the boundary, or by turning to the United Nations as contemplated in Article 4.16 of the December 2000 Agreement.

29. In its consideration of the comments of the Parties, the Commission must maintain its impartial approach to all matters with which it has to deal. It cannot allow one Party to claim for itself the right to insist on adjustment of parts of the boundary which that Party finds disadvantageous. The Commission continues to owe a duty to both Parties to perform the

functions placed upon it by their agreement and it is its intention to perform these functions fully and faithfully."

23. The Commission continued with its demarcation activities in the Eastern Sector in the course of 2003 and dealt with a problem that had arisen regarding the appointment of Field Liaison Officers. On 16 July 2003 it issued a schedule of the order of activities ahead as then foreseen. This contemplated the conclusion of the demarcation of the whole border by July 2004. In its Tenth Report of 29 August 2003 the Commission pointed out that compliance with this timeline "essentially depends on the unreserved cooperation of the two Governments . . .".

24. On 22 August 2003 the Commission issued a second set of Demarcation Instructions for the Field Assessment of Pillar Sites which included instructions to investigate whether "the boundary as set out in the Delimitation Decision" is "manifestly impracticable" in the region from Zalambessa to Point 21 and in the plateau land to the east of Zalambessa; the Commission also determined that pillar sites should be fixed along straight lines following the perimeter of the plateau to the west of Zalambessa. The Commission's surveyors were never able to act on this Demarcation Instruction.

25. By a letter to the Secretary-General dated 19 September 2003, Ethiopia gave prominence to what it called "the totally illegal, unjust and irresponsible decision of the Commission in Badme and parts of the Central Sector", thus making it clear, in the Commission's understanding, that Ethiopia's complaint was with the Delimitation Decision rather than with the demarcation process. Ethiopia proposed that the Security Council set up an alternative mechanism to demarcate the contested parts of the boundary in what it called "a just and legal manner". The Commission responded to this letter, which it characterized as 'containing some statements which are misconceived and misleading', in the form of an appendix to its Eleventh Report to the Secretary-General. The Commission there replied in detail to each of Ethiopia's contentions, which related principally to Badme.

26. On 19 November 2003 the Commission met with the Parties in the hope that each might adopt a more flexible position: Eritrea not to adhere to its insistence that the demarcation in the Eastern Sector be completed only if Ethiopia agreed to allow work to continue in the Central and Western Sectors; Ethiopia to permit the demarcation activity to proceed in the Central and Western Sectors and to withdraw its condition that work could continue in those sectors only if Ethiopia approved the Commission's method of demarcation. Ethiopia sought to justify its position by claiming that the demarcation process was flawed as not being consistent with the language and spirit of the Algiers Agreement, insisting that the general framework of that Agreement prevailed over the specific provisions of Article 4 thereof and that Ethiopia was entitled to take its position in relation to the demarcation process without departing from its acceptance of the binding force of the Delimitation Decision. In its Eleventh Report to the Secretary General, the Commission felt obliged

"to conclude that despite the words used by Ethiopia [in emphasizing that it was concerned only with the demarcation process] it is presenting its dissatisfaction with the boundary as

substantively laid down in the delimitation decision in the form of procedural impediments to the demarcation process which it is not entitled to interpose."

27. From then on, as stated in the Commission's Twelfth, Thirteenth, Fourteenth and Fifteenth Reports, the Commission has been unable to make progress with its demarcation activities. In the hope, however, that the situation might change, it has maintained its Field Offices, though with reduced staff.

28. On 7 December 2004 the Commission received from Ethiopia a letter referring to a "Five-Point Peace Proposal" (dated 25 November 2004) intended to resolve the dispute. This proposal asserted Ethiopia's acceptance "in principle" of the Delimitation Decision. Ethiopia agreed to pay its dues to the Commission, which it has since done, and to appoint Field Liaison Officers, a process which it has not completed. It then proposed to "start dialogue immediately with the view to implementing the Ethiopia-Eritrea Boundary Commission's decision in a manner consistent with the promotion of sustainable peace and brotherly ties between the two peoples".

29. In its comment on these proposals, Eritrea, on 10 December 2004, referred to Ethiopia's non-compliance with the Commission's order requiring the removal of illegal Ethiopian settlements from Eritrean territory and stating that it is incumbent upon Ethiopia immediately to express unconditional respect for the work of the Commission.

30. On 21 December 2004, the Security Council took note of the developments in paragraphs 28 and 29, stating that it was encouraged by the movement towards a solution of the boundary dispute and adding that the Members "look to the Commission to provide guidance to all parties involved as they work together on the implementation process". The European Union had already on 17 December 2004 expressed its hope that the Commission will now be in a position to commence the demarcation process in close cooperation with the two countries.

31. The Commission thereupon (on 26 January 2005) wrote to both Parties stating that "It is imperative that the Commission should now be enabled to continue and complete its mission. It therefore calls upon both of the Parties to assist it to that end without any pre-conditions." The letter then detailed the specific, practical steps that now needed to be taken. That letter and its annexes are attached hereto. As already explained in para. 7 above, that meeting, intended to be with the Parties, had to be cancelled.

32. In view of the situation, the Commission is taking immediate steps to close down its Field Offices. These can be reactivated (though subject to some months of lead time) if Ethiopia abandons its present insistence on preconditions for the implementation of the demarcation. As for the Commission, it remains ready to proceed with and complete the process of demarcation whenever circumstances permit.

33. The Commission must conclude by recalling that the line of the boundary was legally and finally determined by its Delimitation Decision of 13 April 2002. Though undemarcated, this line is binding upon both Parties, subject only to the minor qualifications expressed in the Delimitation Decision, unless they agree otherwise. Conduct inconsistent with this boundary line is unlawful.

(*Signed*) Sir Elihu **Lauterpacht**
President of the Eritrea-Ethiopia Boundary Commission
24 February 2005

Enclosure 1

Eritrea/Ethiopia Boundary Commission

26 January 2005

1. Because of the difficulties placed in the way of the Commission, with which your Excellency's Government is familiar, it has been obliged to suspend its demarcation activity and to reduce its presence in the area. There have recently been developments of which the Commission has taken note including, on the part of Ethiopia, the payment of arrears due to the Commission and the partial, but as yet incomplete, appointment of new Field Liaison Officers (FLOs). Eritrea's long-stated readiness to proceed with demarcation over the whole length of the boundary has been reiterated. But nothing else has happened to enable the Commission promptly to resume its task. The Commission remains profoundly concerned about the *impasse*. It recalls that the Parties by treaty agreed that the delimitation of the boundary would be followed by its complete demarcation. It is imperative that the Commission should now be enabled to continue and complete its mission. It therefore calls upon both of the Parties to assist it to that end without any preconditions.

2. In order that it should be clearly appreciated what remains to be done in the demarcation process, the Commission lists below the steps that must now be taken.

I. Preliminary steps

3. As the staffs of the Field Offices in Asmara, Adigrat and Addis Ababa have been reduced during the period of suspension of demarcation operations, it will now be necessary to restaff these three offices.

4. The Chief Surveyor, having left the area in September 2004, will need to be re-established there.

5. Contracts will need to be concluded with the firms of contractors previously chosen by the United Nations to carry out the pillar construction and survey work and which have said that they are still available and interested in carrying out the project.

6. Field camps will have to be established for the contractors at Adigrat and Shilalo.

7. The Field Offices will have to be resupplied with the necessary computing equipment, office supplies, furniture and vehicles that were returned to UNMEE.

II. Demarcation actions

8. Work would need to be resumed in accordance with the Demarcation Directions issued by the Commission on 8 July 2002, as amended in November 2002 and March and July 2003, and the Demarcation Instructions of 21 March 2003 and 22 August 2003.

9. Steps would therefore need to be taken as follows.

A. Pillar emplacement is still required in the Eastern sector.

B. Field Assessment of potential pillar sites must take place in the following locations in accordance with the Demarcation Instructions of 22 August 2003:

(The item numbers in parentheses reflect the numbering in these Instructions)

Towns of Tserona and Zalambessa (Item 1)
Salt Lake (Item 2)
Ragali Delta (Item 3)
Ragali Gorge (Item 4)
Points 26, 23, and 22 (Item 5)
Points 24 and 25 (Item 6)
Boundary from Zalambessa to Point 21 (Item 7)
Plateau Land East of Zalambessa (Item 8)
Plateau Lands Near Point 18 (Items 9 & 10)
Eritrean Claim Line (Items 11 to 14)
Point 17 (Item 15)
Points 15 & 16 (Item 16)
Point 14 (Item 17)
Points 6 & 9 (Item 18)

C. Once the pillar emplacement in the Eastern Sector and the Field Assessment in paragraph B above have been completed, pillar emplacement will be required in the Central Sector.

D. Field assessment of potential pillar sites in the Western Sector will be required and will need to be followed by pillar emplacement there.

III. Prerequisites

10. The Parties will appreciate that none of the steps listed in Sections I and II above can be taken unless there is clear agreement on the following matters:

(1) The areas in which work is to be done in accordance with the list in Section II above.

(2) Security arrangements — It should be noted that security was a significant issue in the stalled contract negotiations with the contractors and will continue to be a dominant consideration for all those staff working in the field. A guarantee by both Parties to provide the necessary security for field staff and contractors is, therefore, essential and is required by Section II Para. 8D of the Commission's Demarcation Direction of 8 July 2002 (November 2002, March and July 2003), and paragraph 5 of Security Council Resolution 1430 (2002). The security details which must be assured and implemented by the Parties are to be fully established in writing in the form of a security management plan prepared by each Party prior to fieldwork commencing or contracts being signed between the United Nations and the contractors. These plans shall cover national, regional, local and village level security for equipment and personnel and shall provide for full cooperation by officials at all levels, and by the local population, including affected landowners. Each Party will be responsible for ensuring that the local population and the landowners in all sectors of the boundary conform to these security plans. The Commission emphatically underlines the importance of establishing effective security arrangements acceptable to staff and contractors in the field.

11. The Commission attaches to the present letter copies of the following principal documents referred to in it.

- Demarcation Directions of 8 July 2002, as revised November 2002 and March and July 2003
- Demarcation Instructions of 21 March 2003 and 22 August 2003
- Schedule of Order of Activities Ahead, 16 July 2003
- Steps to be taken as at 30 September 2003

12. The Commission would appreciate an early response to this letter.

(*Signed*) Sir Elihu **Lauterpacht**
President

Enclosure 2

8 July 2002
(as revised November 2002, March and July 2003)

Eritrea/Ethiopia Boundary Commission

Demarcation of the Eritrea/Ethiopia Boundary directions ("The Demarcation Directions")

I. Introduction

1. Article 4 (13) of the December 2000 Agreement requires the Commission to arrange for expeditious demarcation of the border as delimited. Article 4 (14) provides that "the Parties agree to cooperate with the Commission, its experts and other staff in all respects during the process of delimitation and demarcation, including the facilitation of access to territory they control".

2. The Rules of Procedure of the Commission provide in Article 30:

> "1. In consultation with, and with the co-operation of, the Secretary-General of the United Nations, the Commission shall arrange for the expeditious demarcation of the border as delimited. Without prejudice to paragraph 2 hereof, the procedure relating thereto shall be adopted by the Commission at an appropriate moment after consultation with the Parties. If the circumstances so permit, the border may be demarcated in such stages as the Commission may from time to time determine.
>
> 2. The Commission may, at any time, take, or direct the taking of, such preparatory steps as it considers desirable to expedite completion of its task and the prompt demarcation of the border . . . The Parties shall, to such extent as the Commission may direct, co-operate fully with the Secretary or any other personnel involved in such preparatory steps."

3. The steps that need to be taken in connection with the demarcation have been reported to the Secretary-General of the United Nations for transmission to the Security Council on a number of occasions, namely, in the Second (27 April 2001), Third (22 November 2001) and Fourth (4 August 2002) Reports of the Commission. They have also been the subject of correspondence between the Commission and the Parties.

4. In its Fourth Report the Commission expressed the hope that the Security Council, in its next resolution relating to the operation of UNMEE, would be able to extend the scope of the Mission's mandate expressly to enable it to assist the Commission in the demarcation stage of its activity and, in that connection, to accelerate the process of mine clearance. In response, the Security Council, in resolution 1398, invited the Secretary-General to submit recommendations to the Council on UNMEE's role in the border demarcation process, including with regard to the provision of demining support. The Secretary-General, in S/2002/245, indicated his readiness to make such recommendations.

5. In the Opening Statement made by the President of the Commission on 13 April 2002, on the occasion of the delivery of the Decision on Delimitation, he said, inter alia:

> "The Commission expects that the Parties will co-operate fully with the Commission in moving expeditiously to the demarcation phase. During that phase the demarcation staff assisting the Commission will examine the border region at first hand. On the basis of the information which they will then gather, the Commission will make any further determinations that may prove necessary."

6. In the light of the foregoing, the Commission has adopted the Demarcation Directions set out below. In accordance with Article 30 of the Commission's Rules of Procedure, the Parties have been consulted in the course of the preparation of these Directions.

II. Demarcation Directions

1. Objective of the Demarcation

A The general purpose of the demarcation is to set on the ground pillars identifying the course of the line decided in the Commission's Delimitation Decision of 13 April 2002. B The demarcation will also determine more precisely the delimitation line at those points specified in paragraphs 8.1.B. (iv, (vi) and C of the Dispositif of the Delimitation Decision.

2. Organization of the Demarcation

B The Demarcation Process will be carried out by, or under the responsibility of, the Boundary Commission. The work will be done by the Secretary and his representatives who are members of the United Nations Cartographic Unit (see Article 4, para. 7 of the Peace Agreement), the Special Consultant of the Commission ("the Special Consultant"), the Chief Surveyor and any other persons appointed or employed for this purpose by or under the authority of the Commission. The Terms of Reference of the Special Consultant are annexed hereto.

3. Field Offices

The work in the region will be carried out through two or more Field Offices of equal status, at least one in the territory of each Party. At present there are field offices in Addis Ababa and Asmara. Work shall be divided between these offices in the most efficient and economical manner as the circumstances may require, as determined by the Commission. In addition, the opening of an additional field office at Adigrat is foreseen when the stage is reached of actual placement of the boundary markers.

4. Relations with UNMEE

As provided by Security Council Resolution 1344, UNMEE will provide assistance to the Commission in accordance with the terms of the MOU between the United Nations and Commission signed on 2 April 2002 (with the deletion, as agreed with the United Nations, of the last item in 'Part D' of the Annex thereto,

relating to identification cards, which is superseded by the last sentence of paragraph 7, below).

5. **Information regarding operations**

The Special Consultant, assisted by the Chief Surveyor and in consultation with the Secretary, shall, as requested by the President:

A Prepare for the Commission and the Parties a statement of operations that have already been performed and that remain to be performed, with an estimate of the dates at which the various steps will be taken. The schedule of operations still to be carried out will be updated at monthly intervals. Any comments that the Parties may wish to make shall be made within 48 hours of receipt of the statement of operations.

B File progress reports with the Commission, the Parties and UNMEE at monthly intervals.

C Maintain personal contact, at regular intervals of not more than six weeks, with the central and regional authorities in Eritrea and Ethiopia in order to keep the most senior authorities informed of developments.

6. **Liaison**

A Each Party shall nominate at a high level a Liaison Representative and a Deputy Liaison Representative, at least one of which shall be stationed at their respective capitals, who shall have authority to receive information and requests for assistance, etc. and shall be able to arrange for these to be speedily processed. Any communications that the Parties may wish to make to the Field Offices of the Commission or the Commission shall be made through their respective Agents or Liaison Representatives and shall be copied to the Agent and the Liaison Representative of the other Party. The names and contact details of the Liaison and Deputy Liaison Representatives shall be forwarded without delay to the Secretary, the Special Consultant and the Chief Surveyor.

B *(i)* Each Party shall also nominate not more than two Field Liaison Officers to accompany the Field Offices staff of the Commission as observers during their movements in connection with their field work, for example, the emplacement of boundary markers and the "as-built" survey. However, if a Party does not make such nominations, or its nominees are not available at an appointed time and place, the Field Offices staff shall be free to continue their operations.

(ii) Field Liaison Officers shall be persons who have not served in that role, otherwise than in an ad hoc capacity, prior to 7 July 2003, and who are not currently serving as military personnel. Notice of each Party's selections as Field Liaison Officers shall be forwarded for information to the other Party and to the Registrar of the Commission and shall be accompanied by the following information in respect of each Field Liaison Officer:

(a) an up-to-date curriculum vitae, including full name, professional qualifications, current position and occupational responsibilities;

(b) a record of any military service or responsibilities since 1989.

(iii) A person's nomination as a Field Liaison Officer becomes effective upon that person's selection by the nominating Party as a Field Liaison Officer and the required accompanying information being forwarded to the Commission and the other Party. Should any disagreement crise with regard to a person's nomination as a Field Liaison Officer, that disagreement shall be resolved by the Commission, whose decision shall be final.

*(iv) In the event of replacement of a Field Liaison Officer, the Party making the replacement shall follow the procedure set forth in subparagraph (ii) above.**

C Each Party shall be responsible for providing, at its own expense, for the travel of its Field Liaison Officers to the proposed point of work. Parties shall also be responsible for all other expenses of their Field Liaison Officers. The Field Office staff shall not be responsible for any transport or logistical support required by the Field Liaison Officers at the work sites.

D Field Liaison Officers shall not interfere with or hinder the work of Field Offices staff on the ground. In case of unresolved disagreement, the procedure set out in paragraph 15 shall be followed. Field Liaison Officers may not be involved in mine-clearance activity.

E The Field Liaison Officers of each Party shall enjoy freedom of movement within the territory under control of the other Party in order to travel to meet with representatives of the Boundary Commission at the proposed point of work. The right of each Party to have its own Field Liaison Officers present while work proceeds is conditioned upon its compliance with its obligation to facilitate the attendance of the other Party's Field Liaison Officer.

7. Registration of Field Office staff

The Commission, through its Secretary and his Field Officers, shall communicate to the Parties the names and official designations of all persons employed in the service of the Field Offices or carrying out activities on their behalf, including contractors. Identification cards will be issued in the name of the Boundary Commission to such persons and shall be carried at all times.

8. Freedom of movement

A The staff of the Field Offices of the Commission and other persons performing functions for the Commission require free and unrestricted movement, and shall be allowed such movement, within the territories of the Parties for purposes connected with the demarcation. Any transport used by the staff of the Field Offices or by the Field Liaison Officers shall fly a flag or bear readily visible insignia clearly marked with the letters "EEBC".

* Italicized text indicates revision of July 2003, set forth in the Commission's "Decision pursuant to Article 15B of the Commission's Demarcation Directions."

B Notice of intended movements by air in the border region shall be given to the Liaison Representatives of the Parties not less than 72 hours in advance. The Parties shall provide the necessary authority within the ensuing 48 hours.

C Visas shall be given to Field Offices staff and other persons performing functions for the Commission for multiple entry and extended stay.

D Each Party shall within the area under its control be solely and completely responsible for ensuring the safety of all Field Offices staff and all personnel employed or used by the contractors for the placement and verification of boundary markers ("demarcation personnel"). Without prejudice to the generality of this responsibility, each Party shall ensure that in any area in which the Field Offices staff and demarcation personnel are working the local government officers and population are informed in advance so that they do not place any obstacle in the way of the performance by such personnel of their tasks. The security personnel of each Party providing protection to Field Offices staff and other demarcation personnel shall at all times carry appropriate communication equipment to enable them to communicate instantly with their respective capitals and those senior administrative officers with authority to resolve immediately any difficulties that may arise.*

9. **The demarcation**

A The demarcation shall take place on the basis of the 1:25,000 scale map presently being prepared by the Secretary of the Commission. As soon as completed, copies of this map bearing some place names and other basic geographic features for ease of reference, but otherwise unmarked, shall be handed to the Agents and the Liaison Representative of each Party for comment. Such comments shall be made to the Secretary within 15 days of receipt of the maps by each Party.

B Having considered any such comments, the Special Consultant with the assistance of the Chief Surveyor and in consultation with the Secretary, shall then prepare the factual report referred to in paragraph 14 E, below.

C Once the decision of the Commission on the places referred to in paragraph 14, below, has been made, the Commission shall mark on this map the line prescribed in the Delimitation Decision and the proposed sites of the boundary pillars, taking into account where appropriate the need for intervisibility. The map so marked will be sent to the Parties through their Agents and Liaison Representatives for their comments, to be made within 15 days.

D Pillars shall be placed within 50 metres of the coordinates of the pillars marked on the 1:25,000 scale map. If any pillar cannot be so placed, the question of its location shall be referred back to the Commission.

E *Pillar emplacement shall begin in the Eastern Sector, without prejudice to the continuance of preparatory steps for pillar emplacement in the Western and Central Sectors. The precise order of the emplacement of individual pillars will be determined by the Commission in the light of conditions prevailing from time to time.***

* Bold text indicates revision of November 2002.

** Italicized text indicates revision of March 2003, pursuant to paragraph 4 of the Commission's Order of 9 February 2003.

10. Mine clearance

A The preparation of each pillar site and the construction of each pillar shall not begin until the site and access roads are certified to be clear of mines and unexploded ordinance ("UXO") by the UNMEE MACC.

B Mine-clearance activity shall be conducted as heretofore, under the control and command of UNMEE MACC, by UNMEE personnel, UNMEE-employed personnel and international commercial contractors.

C All such personnel shall have freedom of movement to and around mine-clearance sites as provided in paragraph 8 A, above.

D Verification and quality assessment of mine-clearance work is the responsibility solely of UNMEE MACC.

11. Construction of pillars

A Pillars will be constructed in the manner and to the specification proposed in the Chief Surveyor's memorandum on Demarcation dated 16 May 2002. These details may be modified by the Commission after consultation with the Parties.

B Construction shall be done by contractors hired by the United Nations on behalf of the Commission in accordance with the MOU. The contractors may use UNMEE assistance as required, in accordance with the MOU.

C Materials for the construction of boundary markers and witness marks shall be procured by the United Nations on behalf of the Commission in accordance with the MOU.

12. "As-built" survey of boundary markers

Immediately after construction, the final location of each boundary marker shall be accurately surveyed from the adjacent witness marks. The witness marks and boundary markers will be connected by survey to the Primary and Secondary datum stations previously established. This survey work will be undertaken by contractors employed under paragraph 11 B, above.

13. Sectoral map

A register shall be kept, recording the final location of each pillar. The completion of the demarcation in each sector shall be promulgated by the Commission by means of the issue to the Parties of the final map of the relevant sector and a copy of the relevant pages of the register.

14. Special directions for specific locations or problems

Division of towns and villages

A The Commission has no authority to vary the boundary line. If it runs through and divides a town or village, the line may be varied only on the basis of an express request agreed between and made by both Parties.

River boundaries

B Unless the Commission should decide otherwise after receiving a request from a Party that the boundary in a river requires demarcation, the Commission considers that the identification of a river as a boundary should normally suffice without actual demarcation therein, save as regards the identification of confluences, turning points that may give rise to doubts, and headwaters or sources.

C Where the boundary turns at a river confluence, the turning point of the boundary is at the point of the meeting of the main channel of each river or stream. Where topography permits, the turning point shall be identified by three pillars, one on each bank of the river that meets the other and the third on the bank of the latter opposite the confluence, with the distances of each pillar from the point of meeting being marked thereon.

D References to the headwaters or sources of rivers or streams mean the highest point at which the flow of water can be identified or, if the stream bed has become permanently dry, then the highest point at which the stream bed can be identified.

Tserona, Zalambessa and Bure

E The Commission cannot demarcate the precise boundary at each of these towns without fuller knowledge of their layout and of the character and location of the buildings within them. The Field Offices shall therefore prepare a factual report thereon, on which the comments of the Parties will be requested, whereupon the Commission shall provide appropriate instructions to the Field Offices.

15. Disagreements

A Any disagreement by a Party with the location of the emplacement of a pillar on the ground, and the reasons thereafter, shall be notified by its Liaison Representative in writing to the Special Consultant and the Chief Surveyor, with a copy to the other Party's Liaison Representative, within 24 hours of being informed of the intended specific location. Such information shall be conveyed to the Field Liaison Officers if they are present at the location or, if they are not present, to the Liaison Representatives of the Parties. The other Party shall respond within 48 hours, and the Special Consultant, in consultation with the Secretary and the Chief Surveyor, shall then decide the matter. Either Party may then request (giving its reasons) the Special Consultant to refer the matter to the Commission for final decision. The fact that a question relating to a particular pillar is under consideration shall not prevent the Field Offices staff from continuing work on other pillars.

B Any other matter of disagreement shall, after notice by the Liaison Representative or Liaison Officer of the Parties to the Special Consultant or Chief Surveyor, be discussed between them. If the disagreement cannot thus be resolved, it shall be referred to the Commission for decision. The Special Consultant or the Chief Surveyor shall prepare and transmit a report thereon to the Commission and the Parties. The Parties may communicate any comments on this report to the Commission within 15 days of receipt of the report.

Enclosure 3

Eritrea/Ethiopia Boundary Commission

Demarcation instructions

21 March 2003

The Commission issues the following first set of technical instructions regarding demarcation:

Straight line boundaries

1. Where there is a straight line boundary between turning points, any intermediate boundary pillars shall be placed on the boundary line, so that it falls across the tops of the boundary pillars.

Towns of Zalambessa and Tserona

2. The demarcation team will submit the Ethiopian proposal for the boundary around the town of Zalambessa to Eritrea for comment.

3. The demarcation team shall invite Eritrea to prepare a draft boundary for the town of Tserona. The demarcation team shall then submit that draft boundary to Ethiopia for comment.

Identification of pillar sites in Eastern Sector

4. The requirements for identifying pillar sites in this sector are:

(a) Helicopter access to pillar and associated marker site;

(b) Practicability of the site for emplacing the pillar and associated markers;

(c) Maintenance of an area balance between the line joining the final chosen sites compared to the original delimitation line of 13 April 2002 in the order of 3 per cent;

(d) Determination of the midpoint between the pre-conflict Eritrean and Ethiopian customs posts on the road near Bure;

(e) A reinstatement of the original pillar emplaced by the French on Mousa'ali in the course of the original demarcation of the Djibouti-Ethiopia border.

Enclosure 4

Eritrea/Ethiopia Boundary Commission

Demarcation instructions

22 August 2003

The Commission issues the following second set of technical instructions regarding demarcation:

Towns of Tserona and Zalambessa

1. The demarcation team shall take the fullest account of the proposed boundaries in the Parties' comments on Tserona and Zalambessa and the instructions in Paragraph 14 E of the Demarcation Directions, and shall prepare a report on these towns.

Identification of pillar sites

Salt Lake

2. The demarcation team shall identify the edge of the Salt Lake in the neighbourhood of Point 31 and fix the position of that point accordingly.

Ragali Delta

3. The demarcation team shall fix the position of Point 30 between the banks of the Ragali.

Ragali Gorge

4. The demarcation team shall fix the position of the pillar site as close as possible to Point 29 so as to ensure that both Parties have continuous access to the waters of the Ragali.

Points 26, 23 and 22

5. With respect to Points 26, 23, and 22, the boundary shall be located at the intersection of the main channel of each tributary with a line joining the upper and lower sections of the permanent bank of the main stream, and shall be marked by the demarcation team with an appropriate pillar site.

Points 24 and 25

6. The demarcation team shall fix Points 24 and 25 in accordance with Paragraph 14 D of the Demarcation Directions.

Boundary from Zalambessa to Point 21

7. The demarcation team shall investigate the area north of the Muna/Berbero Gado in order to determine whether there is a physical barrier affecting access from

the north to the northern side of the river that makes the boundary as set out in the Delimitation Decision manifestly impracticable.

Plateau Land East of Zalambessa

8. The demarcation team shall examine whether the delimitation as contemplated in the Commission's Delimitation Decision is manifestly impracticable so as instead to require running a series of straight lines, in a generally east and south-east direction, from the north-eastern point of the outer boundary of Zalambessa, as proposed by Ethiopia in its comments.

Plateau Lands Near Point 18

9. The demarcation team shall fix pillar sites at the outer and westernmost tips of the perimeter of the plateau, linked by a series of straight lines traversing the valleys in between.

10. The demarcation team shall, insofar as practicable, fix pillar sites so that the pillars will be intervisible.

Eritrean Claim Line

11. The demarcation team shall fix pillar sites between which a series of straight lines would be drawn so as to reflect the Eritrean claim line as depicted on the Soviet map (1:100,000), these pillar sites to be located within approximately 200 metres of the coordinates extracted from the Soviet map.

12. The demarcation team shall, insofar as practicable, fix pillar sites so that the pillars will be intervisible.

13. The demarcation team shall fix a pillar site on the bank opposite the intersection of the tributary on the Eritrean claim line with the Belesa B.

14. The boundary following the main channel of the Belesa A and the main channel of the tributary shall be located at the intersection of the main channel of the tributary with a line joining the upper and lower sections of the permanent bank of the Belesa A, and shall be marked by the demarcation team with an appropriate pillar site.

Point 17

15. The boundary following the main channel of the Belesa A and the main channel of the tributary shall be located at the intersection of the main channel of the tributary with a line joining the upper and lower sections of the permanent bank of the Belesa A, and shall be marked by the demarcation team with an appropriate pillar site.

Points 15 and 16

16. The demarcation team shall fix the position of Points 15 and 16 in accordance with Paragraph 14 D of the Demarcation Directions.

Point 14

17. The boundary following the main channel of the Belesa B and the main channel of the tributary shall be located at the intersection of the main channel of the tributary with a line joining the upper and lower sections of the permanent bank of the Belesa B, and shall be marked by the demarcation team with an appropriate pillar site.

Points 6 and 9

18. The demarcation team shall now fix the position of Points 6 and 9.

Criteria for pillar site selection

19. The requirements for identifying pillar sites in the Central and Western Sectors are:

(a) helicopter and/or vehicle access to all sites;

(b) suitability of the site for emplacing the pillar and associated markers.

River boundaries and islands

20. Having considered the submissions and comments of the Parties, the Commission determines that:

(a) the identification of a river, as a boundary, should normally suffice without actual demarcation therein save as regards the identification of such turning points as might otherwise give rise to doubts, and of headwaters or sources;

(b) the boundary is the middle of the main channel (the channel of greatest volume) and will move in accordance with any change in position of the middle of the main channel;

(c) the middle of the main channel, as defined in (b) above, shall not be demarcated;

(d) islands shall fall within the territory of either Party according to their location in relationship to the main channel.

21. The demarcation team shall determine by appropriate methods the position in relation to the main channel of those islands identified by the Parties in their comments.

Annex II

United Nations Mission in Ethiopia and Eritrea: contributions as of 9 February 2005

Country	*Military observers*	*Troops*	*Staff*	*Total*	*National support elements*
Algeria	8			8	
Australia			2	2	
Austria	2		1	3	
Bangladesh	7	167	4	178	
Benin					
Bosnia and Herzegovina	9			9	
Bulgaria	5		2	7	
China	7			7	
Croatia	7			7	
Czech Republic	2			2	
Denmark	4			4	
United Kingdom of Great Britain and Northern Ireland					
Finland	8		6	14	
France			1	1	
Gambia	4		2	6	
Ghana	12		4	16	
Germany	2			2	
Greece	3			3	
India	8	1 524	21	1 553	
Iran (Islamic Republic of)	3			3	
Italy		43	1	44	11
Jordan	7	951	11	969	
Kenya	10	327	9	346	
Malaysia	6		4	10	
Namibia	2		1	3	
Nepal	5			5	
Nigeria	6		3	9	
Norway	5			5	
Paraguay	0			0	
Peru	3			3	
Poland	6			6	
Romania	8			8	
Russian Federation	6			6	
Slovakia					
Spain	2		2	4	

Country	*Military observers*	*Troops*	*Staff*	*Total*	*National support elements*
South Africa	4		1	5	
Sweden	5			5	
Switzerland	4			4	
United Republic of Tanzania	8		3	11	
Tunisia	2		3	5	
Ukraine	7			7	
Uruguay	5	37	4	46	
United States of America	7			7	
Zambia	9		2	11	
Total	**208**	**3 049**	**87**	**3 344**	**11**

United Nations A/59/726–S/2005/143

General Assembly
Security Council

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General Assembly
Fifty-ninth session
Agenda items 36 and 148

Security Council
Sixtieth year

The situation in the Middle East

Measures to eliminate international terrorism

Note verbale dated 7 March 2005 from the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

The Permanent Mission of the Syrian Arab Republic to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to transmit herewith a reply to the Israeli allegations contained in document A/59/717-S/2005/130, dated 28 February 2005 (see annex).

It would be greatly appreciated if the present letter and its annex could be circulated as a document of the fifty-ninth session of the General Assembly, under agenda items 36 and 148, and of the Security Council.

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Annex to the note verbale dated 7 March 2005 from the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

[Original: Arabic]

Letter from the Permanent Representative of the Syrian Arab Republic to the United Nations dated 7 March 2005, addressed to the Secretary-General

In reference to document A/59/717-S/2005/130, dated 28 February 2005, and further to our earlier letter issued as document A/59/677-S/2005/39, dated 19 January 2005, I should like to draw your attention to Israel's pursuit of its heated campaign of deception and falsifications of various kinds aimed at the Syrian Arab Republic. This new campaign exposes the Israeli Government's policy of levelling false accusations in every direction that serves its purposes and serves the policy of State terrorism which it follows, without basing itself on any facts, data or evidence other than what its security and media mechanisms fabricate in the service of its aims and policies.

As pointed out in our previous letter and as confirmed in particular by the past few days, Israeli officials do not hesitate to point a tendentious accusing finger at the Syrian Arab Republic within minutes after any event occurs, including the recent events. This gives us the impression that Israel itself is acting as though it were part of the planning and execution, as for example in the case of the Tel Aviv incident and other incidents.

As to the explosion that took place at a Tel Aviv nightclub, the competent Syrian authorities have denied any connection of Syria with the incident. What is more, Syria condemned that incident and emphasized that those who had carried it out, at this particular juncture, could only be serving Israel's purposes in so doing. Syria has stated that it supports the steps taken by the Palestinian leadership to unite the efforts of all groups with a view to resuming the peace process and putting an end to the blind Israeli killing of Palestinians; the unfettered destruction of their cities, villages and infrastructures; the stealing of their land; and the building of the apartheid wall.

Israel, intent on pursuing its policy of turning the facts upside down, mentioned in its most recent letter that the Islamic Jihad had announced that it took responsibility for the Tel Aviv operation from Damascus, yet the Islamic Jihad has not, as far as we know, made such a statement. The Syrian Government, moreover, has no knowledge of this whatsoever.

What is more, in order to shed full light on the matter, the Syrian Arab Republic emphasizes that the offices of the organization mentioned in the Israeli letter and the offices of other Palestinian organizations have been closed for a long time and do not engage in any activities in the territory of the Syrian Arab Republic.

The Syrian Arab Republic and the Arab region in general suffer the dire effects of the terrorism for which Israel is responsible, the features of which have become clear from murders, assassinations and devastation in numerous Arab and world capitals and other cities. Moreover Syria, unlike Israel, abides by all its commitments under international law. In this connection, the Syrian Government

has begun to take the necessary steps towards accession to the remaining counter-terrorism conventions. The States members of the United Nations in general, and of the Security Council in particular, are aware of Syria's important contributions in enriching and supporting the work of the Counter-Terrorism Committee in accordance with the provisions of Security Council resolution 1373 (2001).

Israel cannot go on forever concealing its true intentions to thwart a just and lasting peace in the Middle East when it is itself the principal cause of the tense state of affairs in the region and of the possibility of its blowing up. It is Israel that is responsible for the failure of the peace talks that began more than 10 years ago, because of its desire to take advantage of the gains of peace and perpetuate its occupation of Arab territory in the Syrian Golan, Palestine and south Lebanon. On numerous occasions Syria has stated its willingness to resuming the peace talks, but its invitations have been consistently met with an unjustifiable Israeli rejection. Syria has repeatedly stated that the requirements for achieving peace have become known and have met with the agreement of the international community, i.e., Security Council resolutions 242 and 338, the terms of reference of the Madrid Peace Conference, the Arab peace initiative adopted at the Beirut Summit in 2002 and the principal of land for peace. The question that is still before us is: will Israel continue to pursue a policy of falsification, deception and escalation of the already tense situation in the region or will it defer to the will of the international community regarding the establishment of a just and lasting peace in the region?

Fayssal **Mekdad**
Ambassador
Permanent Representative

Annex to the letter dated 7 March 2005 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Occupation by Iran of the three Arab islands of the Greater Tunb, the Lesser Tunb and Abu Musa in the Arabian Gulf, which belong to the United Arab Emirates

The Council of the League of Arab States, at the Ministerial level,

Having considered:

- The note of the General Secretariat,
- The report on the activities of the General Secretariat between sessions,
- The recommendation of the Political Affairs Committee,

Guided by the decisions of the previous summit, the last of which was decision 265 of the Tunis Summit, dated 23 May 2004, concerning the occupation by the Islamic Republic of Iran of three Arab islands in the Arabian Gulf, namely the Greater Tunb, the Lesser Tunb and Abu Musa, which belong to the United Arab Emirates,

Reaffirming its earlier decisions on the same matter, the most recent of which was decision 6438 of 14 September 2004,

Decides

1. To reaffirm without qualification the absolute sovereignty of the United Arab Emirates over its three islands of the Greater Tunb, the Lesser Tunb and Abu Musa and to support all peaceful measures and means adopted by the United Arab Emirates to regain its sovereignty over the occupied islands;

2. To denounce the continued confirmation by the Iranian Government of its occupation of the three islands and its violation of the sovereignty of the United Arab Emirates, which can only undermine security and stability in the region and pose a threat to international peace and security;

3. To condemn the building by the Islamic Republic of Iran of housing facilities to settle Iranians on the three occupied Arab islands;

4. To condemn the Iranian military manoeuvres being conducted on the three occupied islands of the United Arab Emirates, namely the Greater Tunb, the Lesser Tunb and Abu Musa, and those islands' territorial waters, airspace, continental shelf and exclusive economic zone, which constitute an inseparable part of the United Arab Emirates; and to request that Iran desist from such violations and acts of provocation, which constitute interference in the internal affairs of an independent, sovereign State; do not promote confidence-building; threaten subsidiary security and stability in the region; and endanger the security and safety of regional and international navigation in the Arabian Gulf;

5. To appeal to the Iranian Government definitively to abandon its intention to erect a monument on the island of Abu Musa, which belongs to the United Arab Emirates and has been occupied by the Islamic Republic of Iran; to consider such an act a de facto change to the island, a violation of its historical and cultural features and an encroachment on the rights and sovereignty of the United Arab Emirates; and to affirm that the erection of such a monument in no way whatsoever facilitates the solution to the dispute existing between the two countries, but rather runs counter to the solution by peaceful means envisaged by both countries;

6. To appeal once again to the Iranian Government to end its occupation of the three islands of the United Arab Emirates, refrain from trying to impose a fait accompli by force, desist from establishing any installations for the purpose of modifying the islands' demographic structure, revoke all measures and remove all installations unilaterally put in place on the three Arab islands, inasmuch as such measures and claims are null and void, lack any legal effect and do not diminish the established right of the United Arab Emirates over its three islands and are acts that run counter to the provisions of international law and the Geneva Conventions of 1949; and to call upon the Iranian Government to adopt peaceful means for resolving the dispute existing with regard to those islands in accordance with the principles and norms of international law, including agreement to refer the matter to the International Court of Justice;

7. To express the hope that the Islamic Republic of Iran will reconsider its position of rejecting the effort to find a peaceful solution to the issue of the three occupied islands of the United Arab Emirates either through direct, earnest negotiations or through recourse to the International Court of Justice;

8. To call upon Iran to translate its stated desire for improved relations with the Arab countries and for dialogue and détente into concrete steps, both in word and in deed, in the form of a genuine response to the earnest appeals launched by His Highness the late Sheikh Zayed Bin Sultan Al Nahyan — may he rest in peace — as well as by the States members of the Gulf Cooperation Council, the Arab States, the international community, friendly nations and the Secretary-General of the United Nations, calling for a solution to the dispute over the three occupied islands of the United Arab Emirates by peaceful means in accordance with customary practice and the covenants and rules of international law, either through direct, earnest negotiations or through recourse to the International Court of Justice, so as to build trust and enhance security and stability in the Arabian Gulf region;

9. To have all Arab States undertake, in their contacts with Iran, to raise the issue of Iran's occupation of the three islands in order to stress the need to end it, based on the fact that the three islands are occupied Arab territory;

10. To inform the Secretary-General of the United Nations and the President of the Security Council of the importance of maintaining the issue on the list of matters of which the Security Council is seized until Iran ends its occupation of the three Arab islands and the United Arab Emirates regains its full sovereignty over them;

11. To request the Secretary-General to follow up this matter and report to the Council at its next session.

(Decision 6495 — 123rd ordinary session — meeting 3 — 3 October 2004)

United Nations A/59/729–S/2005/145

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Agenda item 163
The situation in the occupied territories of Azerbaijan

Security Council
Sixtieth year

Letter dated 7 March 2005 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

The pogroms of Armenians in Sumgait 17 years ago have the dubious honour of being the first time that ethnic cleansing was utilized in what was still a Soviet space.

From 1988 to 1990, the deliberate manipulation of the Azerbaijani public led to the massacres of Armenians in three of the largest cities of Azerbaijan, Sumgait, Kirovabad (Ganja) and Baku. On 27 February 1988, Azeris went on a three-day rampage in Sumgait, an industrial town 20 miles from Baku, the capital of Azerbaijan, murdering members of the town's large Armenian minority, looting and destroying their property. The events were preceded by a wave of anti-Armenian statements and rallies that swept over Azerbaijan in February 1988. Most of the victims were burnt alive after being assaulted and tortured. The murderers enjoyed total support of the Azerbaijani authorities and full freedom in committing these inhuman acts against the Armenian population. The peak of the atrocities committed by Azeri perpetrators occurred from 27 to 29 February 1988.

I will refrain from giving a detailed historical overview of the pogroms in Sumgait, as the international community and the United Nations, in particular, have been duly provided with documented evidence circulated through documents on the occasion of the anniversaries of the Sumgait tragedy, the latest ones being A/57/742-S/2003/233 and S/2004/168.

I would only state that the international community's response to these horrific events was explicit. On 7 July 1988, the European Parliament adopted a resolution condemning the massacres in Sumgait, which read:

> "The European Parliament, ...
>
> "B. having regard to the historic status of the autonomous region of Nagorno-Karabakh (80 % of whose present population is Armenian) as part of Armenia, to the arbitrary inclusion of this area within Azerbaijan in 1923 and to the massacre of Armenians in the Azerbaijani town of Sumgait in February 1988,

05-26072 (E) 100305

"C. whereas the deteriorating political situation, which has led to anti-Armenian pogroms in Sumgait and serious acts of violence in Baku, is in itself a threat to the safety of the Armenians living in Azerbaijan,

"1. Condemns the violence employed against Armenian demonstrators in Azerbaijan;

"2. Supports the demand of the Armenian minority for reunification with the Socialist Republic of Armenia

"...

"4. Calls also upon the Soviet authorities to ensure the safety of the 500,000 Armenians currently living in Soviet Azerbaijan and to ensure that those found guilty of having incited or taken part in the pogroms against the Armenians are punished according to Soviet law."

The Sumgait events were organized with a view to hushing up and concealing the Nagorno Karabagh problem. While the population of Nagorno Karabagh, after 70 years of unlawful subjugation to Azerbaijani rule, raised its voice in peaceful demonstrations for the legally and universally recognized right to self-determination, thus choosing the democratic, constitutional and peaceful path to the exercise of its right, the response of the Azerbaijani authorities was pogroms and killings of Armenians. The premeditated killings in Sumgait were to transform the problem of Nagorno Karabagh from a peaceful and democratic process into a violent confrontation, which turned into one of the world's bloodiest ethnic conflicts after the dissolution of the Soviet Union.

The Azerbaijani leadership, then and now, never expressed remorse over the ethnic cleansing and massacres of the Armenians of Azerbaijan or the Armenians of Karabagh. In fact, the Azeri leadership encouraged the ethnic cleansing and massacres of the Armenians of Azerbaijan, directly and indirectly, through creation of a conducive environment for violence and impunity for such crimes. According to Ilias Izmailov, Azerbaijan's Prosecutor General during the Sumgait pogroms, "Perpetrators of the pogroms now carry mandates and sit in the Parliament" (*Zerkalo*, 21 February 2003).

Exaltation of impunity continues today when, after the vicious act in Budapest, where an Armenian officer was brutally murdered in his sleep through axing by a young Azerbaijani officer at a NATO "Partnership for Peace" training programme, so-called "committees for the support" of the Azerbaijani military officer have been created in Azerbaijan and the perpetrator of a cowardly act is, right before our eyes, being transformed into a hero.

This could not but raise concerns over the increase of aggressiveness in Azerbaijani society as a result of such encouragements, distortions and exaggerations, in short, effective hate propaganda by the top leadership. President Ilham Aliyev has repeatedly told his nation that Azerbaijan could launch a new war in Karabagh: "At any moment we must be able to liberate our territories by military means. To achieve this we have everything ... Under these circumstances we cannot react positively to those calling us to compromise", he stated in an effort to justify continued Azerbaijani efforts to abort the Minsk process (source: *Zerkalo*, 23 July 2004). To continue his President's lead, the Azeri Defense Ministry spokesman Colonel Ramiz Melikov stated recently: "In the next 25 to 30 years there will be no

Armenian state in the South Caucasus ... I believe that in 25 to 30 years these territories will once again come under Azerbaijan's jurisdiction" (source: *Zerkalo*, 4 August 2004).

This makes it evident that Azerbaijan is ready to throw the 13-year-long efforts of international mediation away and to threaten the peace process and the relative stability established 11 years ago with a ceasefire.

Meanwhile, at every step Armenia has demonstrated its willingness and readiness to cooperate, wherever possible, and to work towards finding a lasting solution to the Nagorno Karabagh conflict. The latter is possible only through reduction of tension and discontinuation of hate propaganda, which will make the public susceptible to peace.

I should be grateful if you would have the present letter circulated as a document of the fifty-ninth session of the General Assembly, under agenda item 163, and of the Security Council.

(*Signed*) Armen **Martirosyan**
Ambassador
Permanent Representative

United Nations S/2005/146

Security Council

Distr.: General
8 March 2005
English
Original: French

Letter dated 4 March 2005 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention a statement concerning the referendum for the adoption of a new constitution in Burundi, issued on 4 March 2005 by the Presidency on behalf of the European Union (see annex).

I should be grateful if you would arrange for the text of this letter and its annex to be circulated as a Security Council document.

(*Signed*) Jean-Marc **Hoscheit**
Permanent Representative of Luxembourg to the United Nations

05-26274 (E) 100305 100305

Annex to the letter dated 4 March 2005 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement concerning the referendum for the adoption of a new constitution in Burundi, issued on 4 March 2005 by the Presidency on behalf of the European Union

The European Union welcomes the successful holding of the referendum for the adoption of a new constitution organized in Burundi on Monday, 28 February 2005, as well as the high turnout.

Adoption of the new Burundian constitution is a crucial step on the road to restoring peace and stability in Burundi and throughout the entire Great Lakes region.

The European Union encourages Burundi to complete as swiftly as possible the remaining stages in the implementation of the electoral process provided for in the peace agreements. The European Union urges all political forces to take part in this process, and to accept unreservedly this expression of the will of the people.

The acceding countries Bulgaria and Romania, the candidate countries Croatia* and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

* Croatia continues to be part of the stabilization and association process.

United Nations S/2005/147

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Letter dated 4 March 2005 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention a statement concerning Togo, issued on 4 March 2005 by the Presidency on behalf of the European Union (see annex).

I should be grateful if you would arrange for the text of this letter and its annex to be circulated as a Security Council document.

(*Signed*) Jean-Marc **Hoscheit**
Permanent Representative of Luxembourg to the United Nations

05-26280 (E) 100305 100305

Annex to the letter dated 4 March 2005 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement concerning Togo issued on 4 March 2005 by the Presidency on behalf of the European Union

The European Union welcomes the resignation of Mr. Faure Gnassingbé on 25 February 2005, as part of a return to constitutional order. This move should pave the way for free and transparent presidential elections, to which the European Union stands ready to lend its assistance.

In this context, the European Union continues to support efforts made by ECOWAS and the African Union aimed at ensuring a successful transition and facilitating the holding of free and transparent elections. The European Union insists that human rights and civil liberties be respected and security guaranteed for everyone.

The European Union also insists that the undertakings made by the Government of Togo in the framework of the consultations held under article 96 of the Cotonou Agreement be honoured, in particular the holding of a national political dialogue making possible the setting up of an electoral framework acceptable to all parties for holding presidential and parliamentary elections.

The acceding countries Bulgaria and Romania, the candidate countries Croatia* and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro, and the former Yugoslav Republic of Macedonia, and the EFTA countries Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

* Croatia continues to be part of the stabilization and association process.

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8 March 2005

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General Assembly
Fifty-ninth session
Agenda item 29
Question of Cyprus

Security Council
Sixtieth year

Letter dated 3 March 2005 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 3 March 2005, addressed to you by Mr. Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

05-26203 (E) 100305

Annex to the letter dated 3 March 2005 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, and further to our letter dated 4 January 2005 (A/59/665-S/2005/8), I have the honour to refer to the letter dated 7 January 2005, addressed to you by the Greek Cypriot representative in New York and circulated as a document of the General Assembly and of the Security Council (A/59/696-S/2005/75), which yet again contains allegations of violations of the "airspace of the Republic" and "of the flight information region (FIR) of Nicosia", and to bring to your kind attention the following.

In response to such false and pretentious allegations, I wish, once again, to reiterate that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the appropriate authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever. Furthermore, it should be emphasized that allegations of so-called violations of the flight information region or violations of air traffic regulations are invalid, as the civil aviation authority of the Turkish Republic of Northern Cyprus is the only competent authority to provide air traffic and aeronautical information services.

As stated in our previous letters, such allegations are based on the false and illegitimate claim that the sovereignty of the Greek Cypriot administration extends over the whole island, including the territory of the Turkish Republic of Northern Cyprus. This claim by the Greek Cypriot side is divorced from the existing realities in Cyprus, namely, the existence of two independent States, each exercising sovereignty and jurisdiction within and above its respective territory on the island.

Attempts by the Greek Cypriot representatives, through often-repeated false claims, to confer legitimacy upon an illegal administration will be futile as long as the Turkish Cypriot people refuse to bow to its writs. What would indeed be conducive to a better climate on the island would be for the Greek Cypriot side to stop arrogating to itself the rights and responsibilities it does not legally have, and to cease all hostilities towards the Turkish Cypriot people.

The Greek Cypriot representative's claim that Turkey is "unconstructive, arrogant and threatening" is a mockery of the truth and is an attempt to shun the grave responsibility of the Greek Cypriot leadership in squandering a unique opportunity to solve the Cyprus problem last year by rejecting your settlement plan. In stark contrast, Turkey's full and unwavering support for settlement is evident from its position both before and after the referenda in the island. In this regard, I would like to refer to your mission of good offices report (S/2004/437) dated 28 May 2004, in which you stated and I quote: "Prime Minister Erdoğan of Turkey spoke out strongly in favour of a 'Yes' vote, as did Turkish Foreign Minister Gül ... By the commitments made to me by Prime Minister Erdoğan on 24 January 2004 when we met at Davos, and by Turkey's determination throughout the February meetings in New York, the talks process in Cyprus, and the culmination in Burgenstock, the effort to reach a settlement received an immeasurable boost ... Prime Minister Erdoğan's commitment to me to be one step ahead in the efforts for a solution was kept, and I appreciated the strong support of the Turkish Government, from the top down, for my efforts." Furthermore, the Greek Cypriot

side should also be reminded that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey, within the context of the efforts aimed at finding a settlement in the island. As for the utterances of the Greek Cypriot representatives pertaining to a political settlement in Cyprus, your remarks in the same report that: "if the Greek Cypriots are ready to share power and responsibility with the Turkish Cypriots in a federal structure based on political equality, this needs to be demonstrated, not just by words, but by action" need no further elaboration. In similar vein, in the same report you also stated that: "if they (Greek Cypriots) remain willing to resolve the Cyprus problem through a bicommunal, bizonal federation, this needs to be demonstrated. Lingering Greek Cypriot concerns about security and implementation of the plan need to be articulated with clarity and finality." Despite your reiteration of this call on various occasions, it has not yet been properly responded to by the Greek Cypriot leadership. The failure and the unwillingness of the Greek Cypriot side to do so clearly demonstrates that it is not, and has never been, interested in a mutually acceptable settlement, despite continuously professing to the contrary.

I should be grateful if the text of the present letter could be circulated as a document on the General Assembly, under agenda item 29, and of the Security Council.

(*Signed*) Reşat **Çağlar**
Representative
Turkish Republic of Northern Cyprus